

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 6, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, FEBRUARY 6, 2015, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This Council meeting of February 6, 2015 shall come to order.

Mr. Clerk.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS G. RIKI HOKAMA AND MICHAEL P. VICTORINO.

(Councilmember Hokama was not present when the roll was called; however, he arrived at 9:23 a.m.)

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are seven Members present and two Members excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And this morning for our opening remarks, we will be provided those by Member Stacy Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

OPENING REMARKS

The opening remarks were offered by Councilmember S. Stacy Crivello.

CHAIR WHITE: Thank you very much, Member Crivello.

Will all of you please rise and join in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And Members, we're going to take a, a five minute recess.
Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:11 A.M., AND WAS RECONVENED AT 9:23 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER VICTORINO, EXCUSED. COUNCILMEMBER HOKAMA ARRIVED DURING THE RECESS.)

CHAIR WHITE: Council meeting of February 6, shall come back to order.

Thank you for that recess. Just for the public's understanding, we wanted to get a, make an assessment of how many people we had interested in testifying here in the chambers and from our District Offices. So, we now have done the checking and we have approximately 51 testifiers. We have a 1:30 meeting scheduled for this afternoon. So, that meeting will take place, so if necessary we will recess the Council meeting and then reconvene following the conclusion of the meeting this afternoon of the Committee of the Whole.

The agenda states that testimony will be three minutes, followed by one minute to conclude if requested. But because of the time constraints, we want to hear from as, we want to hear from all of you and hopefully do so before lunch. So we will allow by, by Council Rule we can limit testimony and I don't know how many of you know this but Oahu limits testimony all the time to just one minute. But we're going to go with the three minutes, but please understand that the extra minute to conclude is optional and that option will not be offered today.

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono in the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have 51 individuals who have signed up to testify in the Council chamber.

CHAIR WHITE: Before you proceed with testimony here, District Offices, since you have no testifiers now, we will not be coming back to you until the end of testimony unless you email staff to let them know that you have testifiers. So please do so if somebody comes in.

With that, we'll proceed with the testifiers in the chambers.

Mr. Clerk.

DEPUTY COUNTY CLERK: The first person to testify in the chamber is Alex Haller testifying on Committee Report 15-5. Mr. Haller will be followed by Guy Hanohano Naehu.

(Councilmember Guzman was excused from the meeting at 9:28 a.m.)

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. ALEX HALLER (testifying on Committee Report No. 15-5):

Aloha. My name is Alex Haller, and I'm a financial analyst. Last year I proposed a Maui County Code 3.44.070(F) - Appraisals that states, "Whenever an appraisal utilizes the income capitalization approach to perform a discounted development analysis, the appraisal shall use the industry average discount rate."

This is a technical sentence that would make our government aligned with theories of finance and time value of money. This should be a Maui County Code and added to the HRS. Every level of government should be aligned with theories of time value of money.

I hope our Corporation Counsel passes my proposed code because taxpayer dollars are at stake. Mahalo.

CHAIR WHITE: Thank you, Mr. Haller. Any clarification of the testifier. Seeing none, thank you for being here today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Guy Hanohano Naehu, testifying on Committee Report 15-5. He will be followed by Tiare Lawrence.

MR. GUY HANOHANOA NAEHU (testifying on Committee Report No. 15-5):

Aloha, my name is Guy Hanohano Naehu from the island of Molokai. I know all of you guys, I've seen you guys face before, I've provided testimony before.

Aloha aina is not a racist issue, it's not a religious issue. It's an environmental issue. We all need our environment, a healthy environment to be able to live, to be able to do business, to be able to raise our kids. And when you come into this room, when you come into this building, with the help of the Mayor and a lot of these corporations, you guys starting to stink of corruption.

Pat Wong, I don't know you brah. All I know is that if I did something to my environment.

CHAIR WHITE: Excuse me.

MR. NAEHU: Like the injection wells.

CHAIR WHITE: Okay, we're going to take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:30 A.M., AND WAS RECONVENED AT 9:31 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER VICTORINO AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting will come back to order.

Please proceed.

MR. NAEHU: In reciprocity, which means how you treat us is how we treat you. I shouldn't be respectful right now because of the lack of respect that you guys providing for the people that you guys represent. Injection wells that going destroy our environment, cost us millions because of braddah's mistakes. So I was trying to put 'um in terms where we could understand what's really going on right now, what's really going on right now.

And the best way, I got to use local jargon. Thank you, Aunty Stacy, for bringing up all this multi-cultural place we live in. The local jargon, I not going deal with big words. Pretty much, why I, why I think you guys smell of corruption is because the mistakes that this braddah was making is like feces, doo-doo in, in your underwear. Right, stained, it's stained, it's stinks, it's dirty. And you guys willing for put this back on? You guys willing for put this underwear back on with all the doo-doo inside.

That's what this nomination is about. This guy dirty. It's stinks, it was mistakes, it was, and you guys going against all of our wishes. The people when vote, and this guy is one of the reason why we're not going, the County not going take one position against Monsanto. You guys stink of corruption. And going affect you guys legacies as representatives of the people. Every single one of you from your districts.

This is, the, the knowledge and the information that we are available to, to gather without the corporation, without you guys, without you guys help, we know more than you guys it seems like.

Eh, and I just being real. I no more time for be fake or for be courteous because this is, this matters. Our environment is suffering and you guys no like be the sole reason why we lose Hawaii Nei and our environment, our aina, because of the decisions you

guys made and you guys continue for make with putting on dirty underwear. So I would suggest, and I would try to influence you guys as best as possible that life without nothing around it is not life. It's nothing. And if we continue down this path, with this kind of leadership, we going be thanking you guys for having nothing.

CHAIR WHITE: Thank you, Mr. Naehu.

Okay, we are going to refrain from clapping. I let the laughing go, we will please maintain a quiet atmosphere.

DEPUTY COUNTY CLERK: The next person to testify is Tiare Lawrence.

CHAIR WHITE: Wait, I didn't come back into, oh, okay, I didn't say recess. Go ahead.

DEPUTY COUNTY CLERK: The next person to testify is Tiare Lawrence testifying on Committee Report 15-5. She will be followed by Ua Ritte.

MS. TIARE LAWRENCE (testifying on Committee Report No. 15-5):

Aloha, my name is Tiare Lawrence, I was born and raised in Lahaina. I'm a mother of two and a concerned citizen of Maui County. As you can see today, we are and will continue to stay united. We the concerned people of Maui will not stop until our voices are heard.

With that being said, I strongly oppose the appointment of Patrick Wong as Corporation Counsel of Maui County. He is supposed to be representing the people, not Alan Arakawa. He has already cost the County over a \$100 million. Each day, millions of gallons of treated wastewater are sent into the ground through injection wells at the Honokowai facility. It's affecting the reef and causing harmful algae growth at Kahekili Beach.

(Councilmember Guzman returned to the meeting at 9:35 a.m.)

MS. LAWRENCE: I've seen and witnessed the changes on the reef ecosystem there. Algae growth and infectious diseases are the problems the injections wells cause. Studies have shown that chemicals like pharmaceuticals and fire retardants also travel from the injection wells into near shore waters posing additional threats to the delicate ecosystem and to residents and tourists.

For me, this makes my heart, no makes my na`au sore, real sore, as I remember camping trips and surfing sessions with my ohana along Kahekili Beach before the

KOR was there, or Kaanapali Ocean Resort. I've seen the damage it has caused. My ohana won't even go diving there anymore to gather foods, therefore, why would you even consider to reappoint a man that has already made poor decisions and poor counsel.

This man has been appointed by the Mayor and it's clear to say that Mayor Alan Arakawa does not support the will and the voice of the people of Maui. Just look at the moratorium, 23,000 people voted and look where we are at now. Please remember that what you do today will affect our children and their children. Mahalo.

CHAIR WHITE: Thank you, Ms. Lawrence. No, no clapping please.

Mr. Clerk, the next testifier.

DEPUTY COUNTY CLERK: The next person to testify is Ua Ritte testifying on Committee Report 15-5. He will be followed by Loretta Ritte.

MR. UA RITTE (testifying on Committee Report No. 15-5):

Aloha, Ua Ritte from Molokai. I'm here to testify to oppose the rehiring of Mr. Wong based on his recent actions concerning the injection well and the GMO moratorium. We shouldn't have him, somebody who go against the people he supposed to represent in that position. Like Braddah Hano said the corruption stinks. We smelling 'um on the Federal level. We smelling 'um on the State level, and now we got to smell 'um right in our house at the County level. You guys is like our first, first, da kine option. It shouldn't be stink in you guys house. So, like Braddah Hano said, take off the diaper, get rid of 'um, no put 'um back on. Mahalo.

CHAIR WHITE: Thank you, Mr. Ritte.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Loretta Ritte testifying on Committee Report 15-5. She will be followed by Walter Ritte.

MS. LORETTA RITTE (testifying on Committee Report No. 15-5):

Aloha. My name is Loretta Ritte and I'm from the island of Molokai. And, 'um I, I don't feel like anybody in the County, the State, much less the Federal government is

listening. I feel like I'm here talking to closed and deaf ears. Is this Mr. Wong? Is Mr. Wong here? That's Mr. Wong. Okay, I just wanted to, to know who he was.

You know it's, it's like as a mother, a grandmother, as a Hawaiian, our kuleana, we have a history of kuleana. These lands were our lands and there were laws and customs to protect our resources for the future to . . . continue forever and ever. I don't see that happening. We're selling everything that is vital and important to the aina to survive, to feed us.

I'm against reappointing Mr. Wong because of this previous record. I pray that all of you will, you know what, I've said this often so I don't know if you going to get it or not. We are people that survives by this aina, it's not the dollar, it's a small part and there needs to be a balance and some people will never understand it cause they don't know the aina and they only know the dollar. But the people who were here first, they knew. So my hope is that you all do, and again I feel like I'm just empty. What happens today will tell me whether or not you are real or false. My kids, my grandkids going have nothing if this continues. Mahalo.

CHAIR WHITE: Thank you, Ms. Ritte.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Walter Ritte testifying on Committee Report 15-5. He will be followed by Sam Small.

MR. WALTER RITTE (testifying on Committee Report No. 15-5):

Aloha, Council, Chairman. We came from Molokai, we flew here today because we were given the alarm that democracy was in danger. And that's the general feeling that we have. Whatever is happening today, the reason why we're in this room is because we've been failed. The people have been failed by this democratic process. The majority came together, had a voice and the County Administration and even all the way to the County Council has failed to recognize us. Has failed to represent us.

So we brought our deoccupation sign and we said we'll just start from the bottom. If this building is falling apart in the democratic process, then we need to put another process in. So the Hawaiians are getting their act together and we're taking small steps to getting our nation back. And you guys are giving us a reason why we should do that. Because you are not listening to the people, the majority has spoken.

And that man, I don't know what his position is legally, because when the Administration responded, it was a political response to all of us. It was a political response that said "FU, we not going represent you guys no matter what. You guys when go get your own lawyer." What kind of talk is that? That happens all the time, we always go get more people to help. So you guys not fooling anybody. All we know is that democracy, I think you guys at the bottom of the barrel when it comes to democracy right now.

Everybody is looking at this and going wow, we not going listening to the majority, who the hell is ruling. Who are you guys listening to anyway? That's the question. I don't have the answer, but I have a, a hunch. You know, and that hunch is saying, we got to put some other people in this building. And the Hawaiians are saying yeah, we coming. We need to deoccupy starting from this County level. And people might think it's a joke, it's not a joke. It is not a joke. Aloha.

CHAIR WHITE: Thank you, Mr. Ritte.

Please, look we're going to maintain quiet in this chamber. Be respectful of everybody and there may be people here that don't have the same feelings and I don't want them to feel intimidated. So please understand, these rules are for a reason and don't make me take further action.

Please proceed.

DEPUTY COUNTY CLERK: The next person to testify is Sam Small testifying on Committee Report 15-5. He will be followed by Deborah Smith.

MR. SAM SMALL (testifying on Committee Report No. 15-5):

My name is Sam Small. Thank you, Councilmembers and leadership for the opportunity here today to express one persons, you know, public opinion. But as an individual, I express, I think sentiments that are felt by many people who are aware of their public rights and how our right here in Hawaii under the Public Trust Doctrine has, is being systematically trashed by the corporate powers and a political structure that kowtows to corporate contributions.

It's happening on the Federal level, the State level, and it seems to be happening here on the County level as well where large sums of money are applied to influence the actions of our public officials. They're expressed arrogantly here in Maui County, amazingly so with a Mayor who comes out publicly advocating against a GM moratorium by misrepresenting, completely misrepresenting the, the facts.

Some of the opinions expressed at the end of testimony here in the County Council by Councilmembers was inappropriate. It is, you know, they're not here to lobby. You're here to rule on the best interest of the people, not the best interest of corporations. And to the measure that their unwillingness to take action on behalf of the people that they let it go to ballot.

That the County is now taking no position on the GM lawsuits is non-action and non-action is a response. You can't just roll over and let the corporations have their way. The people have rights, we expressed our rights legally under the system to achieve a yes vote. I don't know how we did it, the corporations spent eight, over eight million dollars publicly, how much money, soft money went into this community to, to move people to take actions.

I want to do a photo study of public officials and their new cars. Who benefited? Not the people, the people who, who expressed themselves in a legal vote, they are being ignored. And the job of the County is to move to the benefit of the people. Not the corporations, not other politicians who just were lucky enough or, or, to, to get elected and hold an authority that welcome to the new world will not last. The people, the public, through the internet and modern communication have an ability to take action and we are taking actions and you will see more and more and more--

CHAIR WHITE: Mr. Clerk.

MR. SMALL: --until you respond. May I have a minute more?

CHAIR WHITE: No.

MR. SMALL: Thank you.

CHAIR WHITE: Thank you for your testimony and I would suggest that you go and look at some of our publicly available records. I don't believe any one of us have received any campaign contributions or anything else from any of those corporations.

MR. SMALL: Not, the, the County, there are many aspects to the political system here, the County Council is just one of them and--

CHAIR WHITE: Thank you.

Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: The next person to testify is Deborah Smith testifying on Committee Report 15-5. She will be followed by Carmie Spellman.

MS. DEBORAH SMITH (testifying on Committee Report No. 15-5):

To all of the Honorable County Councilmen and women. My name is Deborah Smith and I reside in Pukalani and I'm a concerned citizen. I pay my taxes on time, I vote, abide by the laws of this land. I run a small business working with our keiki. I'm submitting testimony today on the possible reappointment of your lead attorney, County, for the County, Patrick Wong.

The position is a public servant position, just as each of your positions are. We the taxpayers pay your salaries, and if I'm not mistaken, you all work for us. I respectfully recommend that he not be reappointed.

I would like to bring up three points about this, about my lack of confidence in his abilities to really represent the people. His refusal to enforce the Maui citizen's referendum and the result of that vote. He called it a prohibition. It is not a prohibition, it never was, it is a moratorium on specific GMO testing facilities, which are experimenting on developing pesticide resistant GMO seed.

This is the epicenter of these multinational poison companies. We have a most unique ecosystem here. We are experiencing transgenic contamination and Patrick Wong is saying that the County will not take any action to defend our rights to have independent testing done until their experimentation can be proved safe for us.

Our children and our aina, we the citizens of Maui deserve a lot better than that. He should have revealed from the very beginning that he would not support our democratic process instead of leaving it to the SHAKA Movement to uphold the law. I see this not only as blatant disregard for the democratic process, but for our people, our land, and our future.

I hope you would agree especially after the injection well debacle that our County deserves better. He could have fixed the problem for a 100,000 but instead he chose to appeal it, to the devastation of our reefs and to the cost of our, of, of our taxpaying money. I'm told that it could be over \$100 million now in fines. Any reasonable citizen would have a hard time considering his judgment as competent and we need to do better.

He needs, we all need to uphold the Constitution, please. He also approved the municipal solid waste conversion contract with Energia and was flown with Pat Wong, I mean he was flown with Carl Ginoza [sic] to, to Italy and there should be a full audit. I'm asking who paid for that trip. I would like to know was it in the best interest of Maui.

That's just three things. What about the recycling too? Thank you so much.

CHAIR WHITE: Thank you. Thank you, Ms. Smith.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Carmie Spellman testifying on Committee Report 15-5. She will be followed by Megan Powers.

MS. CARMIE SPELLMAN (testifying on Committee Report No. 15-5):

Good morning, Council and Chair. Thank you for listening to my testimony. My name is Carmie Spellman, and I live in Lahaina. In the seventies, during my undergraduate studies, I was a student, and many students across the nation lobbied Congress to pass the Super Fund Bill. They did, along with the Clean Water Act. I have been an advocate since I was four years old. But in the seventies, I was a radical advocate so I've mellowed a little bit, but not much.

So anyway, I live a half a block from Mala Wharf. I cannot swim in the water because I suffer from chronic staph. I've been scuba diving and swimming here since the seventies. Now the oceans are severely contaminated on a multitude of reasons.

The injection wells are not working, okay. I think it's atrocious that the County is liable now for \$100 million on this whole issue of clean water. That money could have been spent to adjudicate the issues of the GMO process, the moratorium. 23,000 people in the County took the time to vote. I really wish that we could honor that. I am losing faith in democracy. It's feeling more like a factious state actually.

So, anyway, while I live there in Lahaina, looking at the ocean, meanwhile I can see my neighbor next door who dove off of Mala Wharf and ended up getting MRSA within 36 hours, they cut off his leg. That's another reason why I'm not swimming in the ocean. Our aina is contaminated by biochemical companies who's single driven goal is to control the world's supply of food. Right now, it's 90 percent, probably

93 percent. We have disgraced ourself, not only in the County, but the State and the nation and the world. Everyone's looking at us, it's embarrassing.

And I'm not saying the Council's doing this, I'm just saying we are a community, we are an ohana. I want us to stand together and do what's right for the aina and the keiki, and all of us. Let's clean it up. We depend on this environment for our monetary gain. Our main money comes from tourism. People don't want to come here. I, I'm sorry to say this but I do not want Mr., Counselor Wong reemployed. I don't think that he is the best-suited employee for this position. Thank you for your time. Aloha.

CHAIR WHITE: Thank you, Ms. Spellman.

MS. SPELLMAN: Any questions?

CHAIR WHITE: Questions, Members. Seeing none, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Megan Powers testifying on Committee Report 15-5. She will be followed by Laura Van Wagner.

MS. MEGAN POWERS (testifying on Committee Report No. 15-5):

All right. Good morning, Council and Chair. Thank you for taking this time to hear our testimony. My name is Megan Loomis Powers, I grew up in Huelo, live in Haiku. I graduated from Seabury. I have a degree in Biology and I've done research in genetics on soil microorganisms at U.H. with NifTAL. I'm the mother of two and a very concerned citizen.

I'm here to speak on item 15-5. I ask you to please disapprove the appointment of Patrick Wong to Corporation Counsel for three reasons:

(1) He deceived the public by butchering the language of the GMO moratorium on the ballot. He deceived us, he made it confusing and inaccurate. He called it a prohibition when it was a moratorium. That's why a lot of people voted against it because they were so confused by the wording on the ballot. That's not working for the people when you're deceiving them in that core role.

(2) The injection wells. We've got a \$100 million fine and we're still poisoning the reef. People are still getting MRSA, etc. Let's just add insult to injury, to the people

and the environment. No, I think we need to, somebody who's going to make sounder decisions protecting our environment for the long run.

And (3) he refused to defend the GMO moratorium. That was a real law approved by a majority of the people in Maui County.

So, anyway, I think, please Council reconsider his appointment and disapprove it. Thank you.

CHAIR WHITE: Thank you, Ms. Powers.

Mr. Clerk, the next testifier.

DEPUTY COUNTY CLERK: The next person to testify is Laura Van Wagner testifying on Committee Report 15-5. She will be followed by Ray Van Wagner.

MS. LAURA VAN WAGNER (testifying on Committee Report No. 15-5):

Good morning. My name is Laura Van Wagner and I oppose 5-15 [sic]. We need a Corporate Counsel, (1) That supports the will of the people by honoring election results. We are supposed to be a democracy. I don't want to think that democracy is dead. The only person here is Elle Cochran that supported us.

(2) The attorney that, that understands the law, does not understand the law gets us stuck with a \$100 million in fines and it's going up a thousand dollars a day for violating the Clean Water Act. It's unsafe, it's irresponsible, and it's having serious problem, causing serious problems with the ocean. That incompetence, that's incompetence.

We need an attorney that protects the aina. By protecting the aina, we will be protecting the people and our future direction, our future generations. How much is it going to cost to have Patrick Wong, we can't afford another \$100 million.

Also, he cancelled the three-can policy in Maui Meadows for recycling. We don't want the next four years to be like the last four years. Let's learn from our mistakes and move on. Thank you.

CHAIR WHITE: Thank you, Ms. Van Wagner.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ray Van Wagner testifying on Committee Report 15-5. He will be followed by Jim Smith.

MR. RAY VAN WAGNER (testifying on Committee Report No. 15-5):

Thank you for hearing me. Everything's been said very eloquently. I'm here to say that I oppose the nomination of Patrick Wong. He's responsible for years of continued pollution of our land and water, which is among other things against our Constitution. Thank you.

CHAIR WHITE: Thank you, Mr. Van Wagner. And Members, please holler if you have a, a need for clarification otherwise we'll keep moving through the testifiers. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jim Smith testifying on Committee Reports 15-5, 15-6, 15-7 and 15-8. He will be followed by Stephen Paselk.

MR. JIM SMITH (testifying on Committee Report Nos. 15-5, 15-6, 15-7, and 15-8):

Aloha, Chair.

CHAIR WHITE: Good morning.

MR. SMITH: And Members of the Council. I just can't express in words how grateful I am for the Sunshine Law and for each of you and the reason that you bring to this chamber and the insults that you suffer in this chamber and just, this is our system. Everyone has to hold the system together and everyone here will.

You have before you a committee report that brings to you changes in your Rules. I'm speaking to that one, all right. And in your Rules you have Rule 2.E. And Rule 2.E. all right says basically we have regular meetings, and we have special meetings, and we have emergency meetings, and they're all going to be considered regular meetings.

Well our Charter says there's going to be a regularity to our meetings. It identifies a special meeting in a separate place and it identifies an emergency in a special place. So what you're doing with that rule is what Mayor Arakawa does with our Charter. What he does with his executive office, it's his ideology. He is a political activist. Mr. Wong is a political activist, he knows no better, he's not evil. He just knows no

better because he thinks that interpretation is law. He thinks that law is sustained by the most powerful person who interprets a word and it's not. It's the common meaning of words that I can understand that is law and when you lose that, you break the law and without law, you have disorder and that's where we stand on the brinks.

So I would urge you to return to the Policy Committee the changes you made to your Rules, and take up Rule E.2. *[sic]* and consider that this is the same ideological energy that the Mayor brings to us. And we don't want it. Okay, please that's my first testimony regarding the Policy Committee meeting.

Now there are two other reports and, and both of them concern political activists. Okay, one is the Director of Water Supply and he is such a bright man and his facts you'll really enjoy. But his facts, okay, they all support the conclusion that you have a king, that we don't need a legislative oversight. His facts do that and he is so skilled at his facts that you're stunned by the facts he gives you.

The problem is they don't apply at all to our political ideology and system, and our Constitution. And he brings to you a rule that transfers to the Mayor the authority to set policy on water shortages. And he brings it to you with all the facts and none of which have anything to do with inequality, with indignity, with the responsibility to serve all equally. None of it has to do with that. It all has to do with money. It all has to do with the facts he brings that affirms his ideology, which is not ours because we vote. And when we vote it means we all have the same small amount of power that you represent.

So I would ask you to take back the recommendation of Mr. Taylor back to Committee. You have time, you don't have to act on this thing until March. You don't have to do it today. Think about that in committee. Mr. Taylor brings us rules that create a moratorium, only they don't use the word, they eliminate lists. We're going to solve this list problem, we're going to eliminate the list. What about the people who are applying or want to apply for water but cannot because you eliminated the list. Gone, equality, gone because of this particular political activism that you need to focus on. We don't need an activist as the Director of Water Supply, that's what I would say. We got one, we don't need one. That's what I would say. Take it back to Committee. Think about that. Thank you very much.

My final testimony is going to be towards Committee Report 15-5. Now you are our Legislative body.

CHAIR WHITE: Mr. Smith.

MR. SMITH: The County of Maui--

CHAIR WHITE: Mr. Smith would you please address the Chair.

MR. SMITH: Oh, I'll address the Chair. What is, what is your name. Oh, I'm sorry, no, you're my representative.

CHAIR WHITE: Right.

MR. SMITH: You broke my train of thought.

CHAIR WHITE: I'm sorry.

MR. SMITH: So what can I say.

CHAIR WHITE: I enjoy--

MR. SMITH: You want me to look at you.

CHAIR WHITE: --I enjoy your testimony.

MR. SMITH: I rather look at Gladys, I'm sorry, Gladys. She's Makawao, I'm not going to move out just to say hello. No, I'm, I read that rule, I would say first of all regarding your, your rule change that says I have to look at the Chair, it says you have to direct your comments. So, I will be directing my comments to you--

CHAIR WHITE: Thank you.

MR. SMITH: --and Members. Okay, and where I look may cross a gray area, but nonetheless.

CHAIR WHITE: Well as, as long as it's entertaining.

MR. SMITH: I haven't told any jokes. There is a serious thing going on and there was a court order issued in December by the Federal Court, okay and that's Case No. 00511PMK. And this is the order and it was issued on 12/15/14, okay. Now we are the Defendant, the only Defendant in that case, and Corporation Counsel is not defending, okay, basically.

And this court order says two things, one, it says and it's granting intervenership. One it says additionally because the Mayor and County Council have expressed fears that are directly antithetical to those of the SHAKA. Now the court said that.

And that was mistaken. This Council has not acted on that issue. It had a chance, it didn't. January it has the matter before you. PIA-58 has this organiza, that whole thing before you. You haven't acted on that, period. Court is wrong. Why wasn't that defended?

Second stipulation, what is this? Stipulated that there was going to be non-enforcement of an ordinance, basically. But, it, instead stipulates, this is page 12, to delay the enforcement. Who did that? When you want the effective date to be changed, you act to change the effective date. Corporation Counsel has no authority, he doesn't even pretend to have authority. The Mayor, of course, doesn't know what his authority is and he has no limit, but you do, and you must fight for us. You must bring it home, bring that case to this chamber. Policy, you, us, not a short guy, or a tall guy, or a Haole, or a Japanese, you, us.

Please delay action on Mr. Wong's appointment. Thank you very much.

CHAIR WHITE: Thank you, Mr. Smith. Please no clapping. Thank you very much.

DEPUTY COUNTY CLERK: The next person to testify is Stephen Paselk testifying on Committee Report 15-5. He will be followed by Jen Fordyce.

MR. STEPHEN PASELK (testifying on Committee Report No. 15-5):

Good morning, Council. My name is Steve Paselk, I live in Paia. The government is mandated to provide functions such as protecting the environment, and protecting public health. The legal profession can be used, used both to facilitate or avoid mandated functions. Both the County Council and the Corporation Counsel are mandated to support the Hawaii State Constitution and protect the environment.

In regards to the Lahaina injections wells. If polled, nine out of ten persons would agree that if you drill holes into lava rock next to the ocean and pump sewage into them, that sewage is going to seep into the ocean reefs.

Mr. Wong's advice was to spend hundreds of thousands of dollars for lawsuits to avoid and postpone protecting the environment. Money that could have gone for solutions is wasted, and now we are subject to fines violating the Clean Water Act because of his advice. His advice could be considered as crimes against the environment.

Citizens got together and fought for and won the temporary GMO moratorium because the County and State government was not following their mandate to protect

public health and the environment. Now, Mr. Wong spent our taxpayer money to advise the County government to avoid enforcing the law. His advice is an attack on the democratic process and he should not be reappointed. Thank you.

CHAIR WHITE: Thank you, Mr. Paselk.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jen Fordyce testifying on Committee Report 15-5. She will be followed by Ed Felien.

MS. JEN FORDYCE (testifying on Committee Report No. 15-5):

Aloha.

CHAIR WHITE: If you could bring it down.

MS. FORDYCE: Jen Fordyce.

CHAIR WHITE: Bring the microphone down just a little bit.

MS. FORDYCE: Down more.

CHAIR WHITE: Thank you.

MS. FORDYCE: Okay, I'm very fortunate to live in Waikapu Valley, to work as an educator here on Maui. And I'm here to respectfully oppose the confirmation of Patrick Wong because he has not been a strong steward for the public trust. He's cost taxpayers \$100 million with his decisions around the injection well. He's failed to uphold the legally enacted GMO moratorium to simply allow time to gather information about safety. For these reasons I, I feel that he's not upholding his duty as a public servant. Mahalo.

CHAIR WHITE: Thank you for your testimony, Ms. Fordyce.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ed Felien testifying on Committee Report 15-5. He will be followed by Peter deAquino.

MR. ED FELIEN (testifying on Committee Report No. 15-5):

First let me congratulate all you newly elected Members of the Maui County Council. The people of Maui have spoken and you represent the will of the people and we must all respect that. And in your Oath of Office, you have sworn to uphold the laws of Maui even and perhaps most especially those laws, which we the people have written and passed in referendum.

I had the pleasure of meeting Councilmembers Don Guzman and Don Couch last Spring at a pot luck dinner at the Italian American Club and I asked them what, whether they supported the referendum on the GMO moratorium. They both said it was poorly written, which I assume was the reason they were not enthusiastic supporters. Mayor Arakawa has also said last summer and, that the referendum was, was poorly written. And, which I assume was the reason he could not enthusiastically support it.

Today you are asked to reappoint the man who wrote the language for the referendum, Patrick Wong. Since you objected to his writing of the language of the referendum, we have the right to assume that you will vote against appointing him today.

As the Council of Elders for our community, you understand perhaps better than most of the, most of us the history of Maui. You know that in 40 years, Maui has grown from a population of 40,000 to about 140,000. You know that once we were a plantation, and agriculture was the principle work. Today the hospitality industry employs 40, and its, and related trades employ 40,000 people while agriculture supports about 5,000 jobs. And I'm sure you know that the spraying of pesticides and the burning of sugar cane is placing those jobs in the hospitality industry in jeopardy.

We ask you today to vote for Maui's future. We ask you to support the will of the people of Maui. We ask you to vote against the appointment of Patrick Wong as Corporation Counsel. Thank you.

CHAIR WHITE: Thank you, Mr. Felien.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Peter deAquino testifying on Committee Report 15-5. He will be followed by John Grant.

MR. PETER DEAQUINO (testifying on Committee Report No. 15-5):

Aloha, everybody. My name is Peter deAquino, I was born and raised here on the island of Maui, in the Na Wai Eha District. I live in Lahaina now cause it's closer to work. And I'm actually the sixth generation of my family being on this island, so we've seen a lot happen.

These injections wells that are happening are very wrong. The withholding of the water to the people so they can grow their food is very wrong. And if nobody is going to support us, you guys going to put somebody up there that is not going to support the people. That is wrong.

I'm also a musician, been playing music for 18 years. And I play these songs about these places, beautiful places in Hawaii. And now when I'm at my gig I have to tell these tourist go to Koke'e on the island of Kauai, because we don't have the plants and animals that thrived here once before. Go to these national forests that are protected. We voted to protect this island and to protect our way of life. So I'm going to strongly let you guys know we do not want this guy reinstated to represent us. We want somebody to fight, to fight for our beliefs, and your beliefs, because you guys represent us.

I don't want to sing songs about places we had, beauty that we had. I pretty much will not have an audience if this stuff keeps going on because we will not have paradise. I don't want to move away from this island, we've been here too long. I hear stories of my dad saying I remember when the fish, I remember when the limu, I remember when the river was flowing, when I could go into the river and catch o'opu and opai and hihiwai. This is all stuff that we cannot find.

With the spraying of these chemicals, we live on an island and the water runs down off of the mountain into the ocean. Not only that, the injection wells are on the west side of the island, which is one of the biggest channels that we have. So we're not only putting into our ocean, we're sharing it with our neighbors, all the way down through Pacific. The current goes to Tahiti.

As a first time voter, I found the courage to sign up because I felt this needed to happen. And the fact that we're still here, I understand why my parents don't vote now. My dad was 20 years in the Army, served this nation, and he doesn't vote. That's what he thinks about the politics. So please, don't let me down. Fight for us and help our aina to stay paradise cause I don't want to sing about things we had. Thank you.

CHAIR WHITE: Thank you, Mr. deAquino.

DEPUTY COUNTY CLERK: The next person to testify is John Grant testifying on Committee Report 15-5. He will be followed by Ann Evans.

MR. JOHN GRANT (testifying on Committee Report No. 15-5):

Thank you for letting me speak here today. I can't say what he said about generations because I'm first generation here, I came here to America from Ireland and I moved to Maui in 1990 for the first time.

What I can say as a marine biologist, I was, I work with California, part of Fish and Game in environmental science for 30 years, 20 years of which were environmental restoration and rehabilitation.

The main thing I dealt with in the oceans of Southern California were what we call eutrophication, which is the enrichment of the near shore environment by fertilizer, which is what we're pumping in there. When he calls treated sewage, what they mean by treated sewage in the case . . . ground up and injected into the water. Okay, that is the most damaging thing you can do to the near shore environment. It's just, it's crazy.

The gentleman who's being, who's job we're discussing here today basically flew in the face of the Environmental Protection Act of the government of America. There's a hundred, million dollar fine, hundred million dollar fine coming up here. What people aren't talking about is the fact they hired one of the most expensive law firms in the country and one of the highest and best environmental lawyers in the country. I've dealt with this person myself. That's expensive, that's costing you money every day that, that she works. I mean, he did a good thing hiring that person, but you're spending our money, \$100 million, the people in this, we've got to pay that bill. Each of us have to pay that bill. I mean it's just, it's okay to say oh it's a \$100 million or a thousand dollars, but it's our money.

The final thing I want to say is this. What happened with this, with this GMO thing is you guys created this. And this is a force. And if I was going to be in office, especially in places like Kihei, I'd worry about this force. I would worry about this. This is coming for your jobs. Not all of you. But some of your jobs are going to be ground up in what you guys build here. Thank you, sir for your time.

CHAIR WHITE: Thank you, Mr. Grant.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ann Evans testifying on Committee Report 15-5. She will be followed by Barbara Padlowski.

MS. ANN EVANS (testifying on Committee Report No. 15-5):

Good morning, elected officials, Chair, and concerned awesome citizens of Maui. My name is Ann Evans, I'm a mother, a grandmother, a Maui resident, an elected official, oh no, elected, sorry about that, you're elected officials, and registered voter. That's even more important. Wow, I've said that so many times on the way down here that I blew it right off the bat. Good thing I don't teach, huh.

I'm here today to simply remind you, those who have been elected to represent our voices that we are aware, awake, and informed. It's gotten even more so over the last year or two and I'm just absolutely amazed at the brains and the passion behind some of these people.

I felt the need to be here this morning as Council gathers to reappoint, so to speak, Patrick Wong to Corporate Counsel. I have serious concerns about this appointment. It's time for the public to know a little bit more about this man. Is this the man that's behind some of the decisions regarding the millions of dollars, citizen dollars regarding the injections wells. Is this the man who believes that our vote is not important enough to defend? Cause if that's so, then we really need to rethink what we're doing.

As we all know, in the past election, an initiative was completely, legally, and passionately passed by the voters to address our concerns about the health and future of Maui and her people, especially our children. Thousands of Maui's people, thousands got educated, involved and spoke up for the first time ever for many. It's not comfortable and it's hard to get out there and do that kind of stuff if you've never done it before, and I've, I was amazed. The people have found their voice though and they're ready to defend their home and their families. It is now the job of our elected officials, our elected officials to stand up and represent the will of the people. As our democratic system is intended to work, enforce that moratorium. Listen, remember who you work for. That's important. We trusted and put you there.

I respectfully remind you that this goes beyond our island at this point. It's not about just right here anymore. We are being observed by millions around the world. How will you appear to be doing your job. It's pretty simple but it seems that some here don't realize how global this has become. They're talking about us folks, all over the place. Thank you for your time, it's, it seems, it looks like we'll be here over and over and over again, but that's, that's okay, I'm good for that. Reminding who works for who. Yeah, I know.

CHAIR WHITE: Thank you, Ms. Evans.

MS. EVANS: We won't stop.

CHAIR WHITE: Thank you, Ms. Evans.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Barbara Padlowski testifying on Committee Report 15-5. Barbara Padlowski. The next person to testify is Kaimaile Precious Kaiulani Makekau Paki testifying on County Communication 15-39.

MS. KAIMAILE PRECIOUS KAIULANI MAKEKAU PAKI (testifying on County Communication No. 15-39):

Actually I'm going for all of the above, especially 15-36. Sir, I would actually like to start with the questions. Do you go by, I'm sorry, your, our tax dollar bills--

CHAIR WHITE: Please, please--

MS. MAKEKAU PAKI: --they say "IN GOD WE TRUST".

CHAIR WHITE: I'm sorry but--

MS. MAKEKAU PAKI: Okay, I won't--

CHAIR WHITE: --there are no, there's no questioning.

MS. MAKEKAU PAKI: I won't ask you a question, I'll just say.

CHAIR WHITE: Yeah, please.

MS. MAKEKAU PAKI: In our dollar bill it says "IN GOD WE TRUST". We were subjected to a bible and in that bible it says that in our nation, our people will not pay taxes. Oh, excuse me.

(Spoke in Hawaiian.)

I'm of the twelve . . . of the Alii Ai Moku of the Mo`o Muku Hui. Do you know who I am? Do you know who my family is? Cause I don't . . . the other twelve families, I'm the last heir of the twelve families.

King Kalakaua, King Kalakaua . . . when Iolani Palace deed, it is not just for the Iolani Palace, but there is two deeds, one stated by King Kalakaua and one that was stated to the Big Five: Alex Baldwin, Castle Cooke, and Dole. Now in this, those people of the Big Five and their shareholders and stockholders has been appointed and gave the GMO that land and said you can use this land.

Now I believe since, when was it, September 2, 1902 to last year, this lease is up. They have no authority on that land. That tax map key is exempt from land tax, and that water that they are using is the Alii Ai Moku of the Mo`o Muku Hui. Now I have read in the old archives that has been shipped off to a church in France for some weird reason, and I have also compared that with the Hawaii Status Revised.

Now, in your guys law books I believe that if you are squatting on somebody's land, now I am the last person of the twelve families living up there in Mahinahina, Na Wai Eha. I live in a shack that looks like the Tower of Pisa, I'll call it the Shack of Pisa, you got to look at it like that. Because you know what, my family . . . we never was given education. The Alii's, the Alii's have been subjected to a sick drug. We . . . an epidemic or a pandemic, but a genicidal order upon my people, my family. My father being in prison for 20 years on drugs and guns, when a rapist got out in five.

Now I don't know what's going on but I live up there in Mahinahina. I bathe in those waters. And I was sleeping one day and I, I hear this drill drilling in my yard, ten feet away from my house. I go up there, I ask them, "I'm sorry braddahs, but what are you doing in my yard"? They told me we are Waipuilani Drilling Company and we have been hired through Goodfellows. We have been given this contract through a man.

I'm sorry sir, but this is ridiculous.

CHAIR WHITE: Thank you for your testimony.

MS. MAKEKAU PAKI: And in your Hawaii Status Revised, I'm sorry but you have allowed them to speak more than me.

CHAIR WHITE: Well you mention, you mentioned that you were testifying on more than one item. Which item are you going to testify on next.

MS. MAKEKAU PAKI: I'm testifying on, do you uphold the seal of the twelve nations.

CHAIR WHITE: Okay, thank you.

MS. MAKEKAU PAKI: The seal, you are starting a war. The land tax of which you are taxing the people.

CHAIR WHITE: Thank you--

MS. MAKEKAU PAKI: Is a five hundred trillion dollar ten percent interest rate, which we have not--

CHAIR WHITE: Your, your testimony is over. Thank you very much.

MS. MAKEKAU PAKI: You guys when shoot guns and I will hold you for extortion. You guys have threatened my family. You guys have ruined us.

CHAIR WHITE: Members, we'll take our morning--

MS. MAKEKAU PAKI: Are you guys not ashamed of what you guys have done to the most beautiful culture in the world.

CHAIR WHITE: Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:26 A.M., AND WAS RECONVENED AT 10:45 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER VICTORINO AND VICE-CHAIR GUZMAN, EXCUSED)

CHAIR WHITE: This meeting of the County Council, shall come back to order.

And Members, we're going to move right through until noon and then take a break and we'll decide then whether we recess until after the COW meeting. And, people in the gallery, please understand that we have, we do have the option of allowing just the testifiers in the room. So, and we have an option of identifying which people are the ones who are clapping or making gestures or noise. So, please understand that

we have the ability to remove people who are not abiding by the rules so should you chose to continue to, to act up in the chambers, we will take one of those two actions.

So with that, Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: The next person to testify is Elise Travis testifying on Committee Report 15-5. She will be followed by Bruce Travis.

MS. ELISE TRAVIS (testifying on Committee Report No. 15-5):

Aloha everyone. My name is Elise Travis and I'm a 30 year resident of Wailea, Maui and I have one daughter. And I first got involved with the movement because of all the letters I was getting in the mail and watching all the news on TV from Monsanto. And, I started thinking, everything they're saying is, is, didn't hit me right.

(Councilmember Guzman returned to the meeting at 10:47 a.m.)

MS. TRAVIS: It, it was all to me lies, you're losing your job, there was nothing good about in any of their brochures. So I started thinking something's not right here. And then I started to question more, I started to read more and I started to see what was going on in Maui. And, I was so upset so I got involved and I spent all my time researching and writing letters and thinking well what's going to happen to tourism here as, as the world finds out what is happening on Maui. Is this a place to come and spend your hard-earned money? And so, I contacted everyone, I sent off letters, I don't know if anyone read them at all.

I'm a sales rep on the island so I sell to all the stores, all the hotels, I'm connected with everyone throughout the entire state. And my consensus is that eventually the tourist are not going to want to come here because of everything that's happening on the internet. It's going globally. And people are commenting, and people are making, saying we're not coming, we're not going to come. It's going to be a matter of time before they stop coming and, and we can't wait. We can't wait for this to happen.

I'm listening to everyone's testimony, you could see it's coming from their heart. We're coming from our heart. We love Maui. I moved to Maui, this is my home, I'm not going anywhere. I'm not moving anywhere. I want my daughter, I want her children, I want her family to have the beauty that I've had. This is all going to change, we have to do something.

I'm here to speak against the appointment of Patrick Wong. I'm disappointed that he is not here. I heard he had a phone call and he was, had to leave. No, that's not Patrick Wong. He left.

CHAIR WHITE: Please continue your testimony.

MS. TRAVIS: Okay, he's already cost the County \$100 million, \$100 million. I mean who does this? Why don't we have somebody that's, that's there that's, that's standing up for us, standing up for the people. We, the moratorium passed, the moratorium passed, my yes vote should have counted and it's not. Where is our democracy?

CHAIR WHITE: Thank you very much for your testimony.

MS. TRAVIS: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Bruce Travis testifying on Committee Report 15-5. He will be followed by Judith Carroll.

MR. BRUCE TRAVIS (testifying on Committee Report No. 15-5):

Aloha. My name is Bruce Travis. My wife and I escaped from Chicago, Illinois to Maui in January of 1979 to leave the brutal winters behind. We've seen many changes over the past 36 years and many have been good. Biotechnology and the chemical poisoning of our island is not good. It's time to stop thinking about the big chemical corporations and the money, and start thinking about Maui and the aina.

Uphold the people's vote. We the people have spoken. Enforce the Hawaii State Constitution and the people's mandate that we have a right to clean air, clean water and clean non-genetically engineered food. Do not reappoint Patrick Wong who does not support the people's initiative or have the best interest of Maui in his heart. Vote against 15-5 to reappoint Patrick Wong as Corporation Counsel. Do what is pono. Appoint someone who is qualified to represent the interest of the citizens of Maui. Do what is right. We do not want to have to escape from Maui for another better place. Thank you.

CHAIR WHITE: Thank you, Mr. Travis. Thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Judith Carroll testifying on Committee Report 15-5. She will be followed by John Fitzpatrick.

MS. JUDITH CARROLL (testifying on County Communication No. 15-39):

Aloha. My name is Judith Carroll. I'm a 22-year resident, business owner, retired registered nurse. We've heard a lot today about what we don't want you to do concerning Mr. Wong, concerning the injections wells.

I, I just want to shift a little bit the paradigm and say this is what we could be doing. And why haven't you had people come to the table to talk about the direction that Maui could be going. This is Hawaii. Look where we're at. We are furthest from any land mass in the middle of the Pacific Ocean. Voted No. 1 island in the world for 15 years in a row. Why is that? Maui is special. Are you folks going to keep it that way? Are you going to go, are you going to let Maui go in this direction.

Every single issue here is an environmental issue. Maui could be leading the way. We could have solar, we could have wind, we could have organic gardens and we could feed every person in the State of Hawaii. That's the direction we're asking you to go. Everybody is asking for it, calling out for it in the world. Wake up.

CHAIR WHITE: Thank you for your testimony, Ms. Carroll.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is John Fitzpatrick testifying on Committee Report 15-5. He will be followed by Rita Massey.

MR. JOHN FITZPATRICK (testifying on Committee Report No. 15-5):

Aloha kakou. Thank you Councilmembers for listening to all our testimony and for your time. My name is John Fitzpatrick and I'm here to help fight for the aina and help aloha aina and make sure that we leave this planet better for next, the next generations and the generations to follow.

I'm here to question the appointment of Patrick Wong as head of Corporate Counsel because online it says it is the job of Corporate Counsel "To support County government by providing legal advice and representation that promotes the public interest, and promotes the countywide strategic priorities."

And I think our, our forests, our coral reefs, and the aina is a public interest. I think our people are a public interest and it's time that we support all these things. It's time to stand up for democracy because I still believe in democracy, as hard as its getting and it seems to be getting on the Federal, the State, and the County level, I still believe that we have a really strong democracy and its worth fighting for.

Patrick Wong has shown, has taken several actions to not support the public interest. A few of them are to not, or the injections wells that you've heard of and he's pretty much, in 2004 I was an undergrad at, getting my Bachelor's degree in marine biology and I learned first, ten years ago about these injection wells. And Corporate Counsel, I'm not sure if he was the Corporate Counsel the entire time, and I imagine he wasn't. But Corporate Counsel should be fighting for what's right and not necessarily always what's I guess legal or trying to figure out a way to fight for what's right and making sure that we aren't killing our reefs and we aren't destroying our land is what our Corporate Counsel should fight for.

Recently we had a citizens' initiative where 23,082 people stood up and voted yes against millions of dollars of campaigns that lied and deceived or I believe lied and deceived a lot of the people. And, we made history, we passed it, we passed a yes vote, 23,082 people. And Patrick Wong recently said the, the County holds no position.

And if I were, luckily I never had to hire a lawyer, but if I were to hire a lawyer, I'd make sure I hired a lawyer that stood up for me and stood up for the people. And I think everyone in this room is asking you to hire a lawyer that's going to fight for the people of Maui County and to do what's right. And to find ways to do what's right. So mahalo, thank you for your time and let's do this.

CHAIR WHITE: Thank you, Mr. Fitzpatrick.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rita Massey testifying on Committee Report 15-5. She will be followed by John Gelert.

MS. RITA MASSEY (testifying on Committee Report No. 15-5):

Aloha.

CHAIR WHITE: Aloha.

MS. MASSEY: Council and Chairman. This is the first time I've ever done, done this before. My name is Rita Massey, I'm a concerned citizen living in South Maui. And, I'm testifying regarding 15-5, the confirmation of Patrick Wong for Corporation Counsel. And I'm asking that you do not confirm his reappointment. I feel he's really failed us in representing the true needs of the people. I'm really outraged about the whole injection well issue and the other issues that have been mentioned as well.

And what I'm seeing here, I guess I'm a relative newcomer as a, living here but I've been coming back and forth and seen the changes in the environment. And, seeing the political culture here, I am rather disgusted, actually is the word, I hate to say, and I'd like to see it change. And I'd like to see you folks be part of that change and start to listen to the people and do what's right for the people and the land that we live on. Thank you very much.

CHAIR WHITE: Thank you, Ms. Massey.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is John Gelert testifying on Committee Report 15-5. He will be followed by Jill Palmer.

MR. JOHN GELERT (testifying on Committee Report No. 15-5):

Good morning, Council and Chair.

CHAIR WHITE: Good morning.

MR. GELERT: My name is John Gelert, descendant of Robert Love of Love's Bakery, through my mother was born in Honolulu. And descendant of John Hancock, was born on the mainland through my father. I represent love and liberty.

Patrick Wong is the wrong choice for Maui County Attorney. His poor choice to ignore injection well pollution cost Maui County over \$100 million. The ocean by Kalama Park is even more polluted than Kahekili Beach. Do Maui County voters want to pay another \$100 million fine for that? Absolutely not. Clean it up.

There are high levels of nitrates, dangerous bacteria, agricultural chemicals, and other contaminants seeping into the ocean near the shore. These cause algae blooms that kill the reef. The turtles are eating an unnatural super algae high in L-Arginine that is giving them herpes tumors. It may even have the Roundup resistant gene like super weeds on the land.

Maui County has the highest infection rate of, for Methicillin-resistant Staphylococcus aureus in the nation because this wastewater is not disinfected. It would be smarter to disinfect the water and use its nutrients for agriculture. It would be smarter to use fresh stream water for our public water supply than to make us drink well water that is contaminated with agricultural chemicals including Atrazine, Roundup, and DDT from years of abuse of the land and aquifers.

HC&S does not deserve to waste our most precious water. Sugarcane is a dying industry, heavily subsidized in Brazil, with prices racing to the bottom. It would be far better to grow real food so we can be sustainable as the Hawaiians were for hundreds of years. Industrial hemp would be twelve times more profitable than sugarcane.

Patrick Wong's choice to muddy the language of the GMO moratorium caused much confusion with the voters. His and the Mayor's choice to support Monsanto and to fight the GMO moratorium rather than to support the will of the people is disgraceful. Mayor Arakawa would rather poison us than protect us.

Democracy has been suspended in Maui County. Mayor Arakawa is the head thug along with others soon to be charged with ethics violations, forced to resign from office in disgrace. We elected the Mayor and Councilmembers to be our public servants. You must make the right choices to do your proper fiduciary duty. You must follow the Hawaii State Constitution to protect the public trust resources. You must follow the aloha spirit law and act with kindness and integrity. Mahalo.

CHAIR WHITE: Thank you, Mr. Gelert.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jill Palmer testifying on Committee Report 15-5. She will be followed by Narayan Palmer.

MS. JILL PALMER (testifying on Committee Report No. 15-5):

Good morning. I reside in Kihei and I oppose 15-5. Also, what's come to mind to me this morning as I think of what I'd like to say to you all is, well the AC is really high, a little bit cold. But, you can live a very short few minutes without breath, without air. And you can live a few days without water, and you can live a few weeks without food. But how long can you live with poisoned food? And we're starting to see that now and we don't want to be an experiment for that. And, I, I really encourage you to

support the will of the people on the vote with the moratorium. And, I'm followed by my son, so my time is up and saved for others and my son is Narayan.

NARAYAN PALMER (testifying on Committee Report No. 15-5):

Hi.

CHAIR WHITE: Hi.

NARAYAN: This morning I thought we should all have good food and without GMO's and keep us healthy. Bye, thank you. Mahalo.

CHAIR WHITE: Thank you, Narayan. Thank you, Ms. Palmer.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Petra Fox testifying on Committee Report 15-5. She will be followed by Michelle Halcomb.

MS. PETRA FOX (testifying on Committee Report No. 15-5):

Aloha, my name is Petra and I am in such deep gratitude for being able to come to this island and to live here for the last four years and for Mama Maui accepting me so and all the people here.

And, really I launched a health revolution to give people the power back because my mom passed away of cancer and I think it's really important for all of us to know how to feed our bodies and to know how to heal our bodies. And what we're talking about here today is also about a bigger picture and that is that I think every single one of us is really sick and tired of friends and family and ourselves being sick, being diagnosed with cancer and really not thriving in this incredible paradise that we live in.

And these islands could be some of the most healing places on the planet. We, the people living here could be completely thriving and healed. We have clean water, we could be growing all of our own food. Get rid of all the sugar canes and all the spraying, grow hemp, grow coconuts. We could actually be doing such a huge service for the entire planet and being someone that people could follow and look towards.

And, everyone coming here, all the tourism could actually be coming here for a mass healing. And I think the entire world needs a mass healing and we could be at the forefront of doing that.

So I am, I am speaking up against Pat, Mr. Wong being put into counsel again. And I'm also just raising the awareness for all of us that we really can take our power back. And we can really make a profound difference on these islands and in our own lives. And we can save all of our families from being sick because this cancer, these GMO's, all of the stuff that is happening, all of these you know food colorings, and all this poison that we have in our food, in our water supply, at any moment, we can all stop it. And we can do it here, we're living in paradise and we can stop importing food here and we can actually start growing all of our own food and taking the power back for ourselves and be an example for the entire planet. Thank you very much.

CHAIR WHITE: Thank you, Ms. Fox.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Michelle Halcomb testifying on Committee Report 15-5. She will be followed by Maureen Traub.

MS. MICHELLE HALCOMB (testifying on Committee Report No. 15-5):

Aloha, my name is Michelle Halcomb and I'm here representing the Aina Warriors from Wailuku and Waihee Valley that could not be here today. Everything that I want to speak on today is directed towards Patrick Wong, he was here earlier and I feel that it's a shame that he's not here anymore. I think he should be here to hear what we have to say and it should be mandatory. Unfortunately he's not, so we'll speak to those that are listening. And we hope that you are truly listening to all of us.

We do not support the appointment of Patrick Wong by Mayor Arakawa. He deceived the voters by distorting the language of the initiative of the GMO moratorium. And now he says the County has no opinion on the moratorium. We have an opinion. We fought to get the initiative on the ballot and we fought Goliath by passing the vote very narrowly. We want to believe in democracy, but we're having a hard time with it.

Now we are here again fighting to defend and enforce the will of the people. We didn't vote for Patrick Wong, he was appointed by Arakawa. Patrick Wong supports the will of Mayor Arakawa and we do not approve. We do not trust him, and do not want him representing us. He has demonstrated his incompetence by supporting

15-5, the injection wells of 15-5 and therefore supporting the further pollution of our aina and our water by big corporation.

I personally suffered from MRSA, from swimming in Hookipa, and that's not even near an injection well. That's how bad the waters are. I nearly lost my life after eight days in the hospital. And I'm not the only one, lots of us, and it can be stopped, it can be helped.

In closing we have no faith and no trust in Patrick Wong and request that he is not appointed so that our land that we love will have a chance at survival in this political lobbying environment of corporate corruption. Mahalo.

CHAIR WHITE: Thank you, Ms. Halcomb.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Maureen Traub testifying on Committee Report 15-5. She will be followed by Shelley Mack.

DR. MAUREEN TRAUB (testifying on Committee Report No. 15-5):

Aloha, aloha.

CHAIR WHITE: Aloha.

DR. TRAUB: My name is Dr. Maureen Traub. I'm a medical doctor, I've been a licensed medical doctor for 30 years and I was the first medical doctor at Community Clinic of Maui.

I met with Mayor Arakawa and the Councilmembers and spoke with the ones that were, that were not contactable prior to the moratorium. I knew and everybody here does know that the Council, it was in the Council's power to make that decision and not even force us, the citizens of the world and the citizens of Maui to protect ourselves. They could have made that decision without putting us through all this suffering and expense. I'm here to oppose 15-5, the appointment of Mr. Wong, strongly oppose.

I was the doctor who took this front-page ad two days before the election on November 2. It reads at the bottom, I'm going to read it out loud to you here, it's a little ad, at the back, Monsanto, Dow and Monsanto had representatives take the back page. This is on the front page over here and what it reads, I'm going to read it

now to everybody, it says, there's a photograph, and then it says "Maureen Traub MD, first medical doctor, Community Clinic of Maui." This is being heard by the world. We don't just represent Maui at this time. Genetic contamination, and it says here "Maui medical doctor of 20 years warns health crisis Maui/Molokai. It is my opinion and it is opinion of many that we are already facing a health crisis and we have been for quite a while." It also says Health Department says "water contaminated". Then it says "vote yes on voter GMO voter initiative, stop open air genetic experiments/chemical experiments."

So we are being exposed here to experimentation, it's not really food, it's open air genetic experimentation and 80 chemicals are currently being sprayed here in the land and they are untested and unregulated. And that has been admitted by the FDA. It also says on the same front-page "Mahalo nui loa". Please protect us, we face a health crisis and we're posing it to the world and the tourist know, and they're going to know more. Aloha.

CHAIR WHITE: Thank you, Dr. Traub.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Shelley Mack testifying on Committee Report 15-5. Last call for Shelley Mack. The next individual to testify in the Council chamber is Ann Pitcaithley testifying on Committee Report 15-5. Last call for Ann Pitcaithley. The next person to testify in the chamber is Pat Simmons Jr. testifying on Committee Report 15-5. He will be followed by Maria Pol.

MR. PAT SIMMONS JR. (testifying on Committee Report No. 15-5):

Aloha kakou. My name is Pat Simmons Jr. I'm raised in the ahupua`a of Peahi and in the moku Hamakualoa. I have a degree in ecology from Evergreen State College and I've been studying soil science and agriculture for the past four, four, five years. And I'm concerned for the health and wellbeing of me and my family. And I speak for many of the young people from Haiku, and North Shore and all my friends that couldn't make it here today.

We all, a lot of us care, and a lot of us can't be here today and, and the young people are, are, are going to be taking the torch in the next 20, 30 years and we want to know that we can trust you guys. We want to know that we can trust our politicians because at the moment, I, I don't exactly feel that I can trust you guys. And I think it's wrong to appoint someone who has refused to listen to me, listen to my family, listen to what we have to say.

And, if we really want aloha aina here, we have to support together because we're all in the same canoe, we're all in the same boat, all on this little island and it's a small island, yeah. And, even though it's a small island, people have lived here for many generations and fed each other and I want to tell you today that I'm really thankful that I get the chance to speak here. And I believe in true democracy, I believe that it's a good thing that I can come down here and speak and I want to see democracy upheld and right now I don't see it happening, I don't see it happening here at all actually.

And I worked a lot to get this GMO moratorium passed. I know a lot of people spent many days and hours not being paid to get this done. And, and it passed and there was a huge celebration, and people were stoked. And now to see that it, that the people that we trust to uphold our vote are refusing to listen to us and refusing to stand up for what people have worked hard to put forward. It's just disgraceful to me. Huge disgrace. And, if you want to continue working and having a job, you got to show the young people on the island that you're willing to stand up for them, cause right now it's not, doesn't look like it's happening.

And, I really want to see this island clean, I really want to see all the surfers not getting staph. My friend Francisco has, you know, he said he was getting staph from surfing. I surf a lot too, I haven't gotten staph yet. But I'm also a cancer survivor and it's my one year anniversary this past month and I hope that my, my kids' kids don't get cancer. And, so please do not appoint this man to, to counsel. Mahalo.

CHAIR WHITE: Thank you, Mr. Simmons.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Maria Pol testifying on Committee Report 15-5. She will be followed by Jonathan Walczak-Pol.

MS. MARIA POL (testifying on Committee Report No. 15-5):

My name is Maria Pol, I am a biologist. I live in Huelo. After all that was said about Patrick Wong, I would like to strongly reinforce and ask that he's not appointed. I don't feel that he will represent us and I, I don't trust him because he in my opinion is he, he is a criminalist, he supposed to not be in the position of making decisions because he is not representing people. Mahalo.

CHAIR WHITE: Thank you, Ms. Pol.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jonathan Walczak-Pol testifying on Committee Report 15-5. He will be followed by Susanna Walczak-Pol.

MR. JONATHAN WALCZAK-POL (testifying on Committee Report No. 15-5):

My name is Jonathan Walczak. And I strongly--

CHAIR WHITE: If you could pull the--

MR. WALCZAK-POL: --oppose the reappointment of Mr. Wong. And I would like Mr. White.

CHAIR WHITE: You can, you can pull the microphone up.

MR. WALCZAK-POL: My name is Jonathan Walczak and I oppose the reappointment of Mr. Wong. And I would like Mr. White and the rest of the Council to please take into consideration all the sad reasons why the community and myself do not want him back in office. Thank you.

CHAIR WHITE: Thank you, Mr. Walczak-Pol.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Susanna Walczak-Pol testifying on Committee Report 15-5. Last call, Susanna Walczak-Pol. The next person to testify is John Jenkins testifying on Committee Report 15-5. He will be followed by Michele Joyce Thornton.

MR. JOHN JENKINS (testifying on Committee Report No. 15-5):

Aloha. As you can tell by my sunburn I am a, a haole. I'm from Northern Wisconsin. I'm here visiting my son, who I'm proud to say works in your wind industry. He works at the wind turbine, he's a lead wind turbine technician at Lahaina and he invited us here cause he couldn't make it home for Christmas. And I couldn't be prouder of him for protecting the aina.

And, I guess my statement is more of a question. You people have a golden opportunity to present to the rest of the world, my mainland, we grow four, three months, maybe two months of the year, and our crops are being destroyed just like yours by these giant corporations. They have four months here to do their damage. I would say basically that there is a bad seed being planted here by these corporations, by the people that don't represent you.

I don't know if the pronunciation is right but kekei [sic] is your children. I'm a grandfather twice. I don't know of anything that's more important. My question, I guess my statement would be when you see people like Patrick Wong represent you, ask yourself why is he smiling. I don't think he has anything to smile about. Mahalo.

CHAIR WHITE: Thank you, Mr. Jenkins.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Michele Joyce Thornton testifying on Committee Report 15-5. She will be followed by Alan Brisley.

MS. MICHELE JOYCE THORNTON (testifying on Committee Report No. 15-5):

Aloha.

CHAIR WHITE: Aloha.

MS. THORNTON: My name is Michele Joyce Thornton and I'm a 29-year Maui resident, voter. And, I think you've heard plenty of opposition to the appointment of Patrick Wong, I agree with that. As a lawyer, a good lawyer will take a case if the case is right. So, I would very much question his judgment to not look at the facts of this case. And number one that the County has had a vote, the people of the County of Maui has said that we want to have a moratorium. So his advice to the Mayor should be go for it, stand behind your people, you'll never be wrong. You're never wrong when you stand before the people. You've heard the people, one after another.

CHAIR WHITE: Please address the Chair.

MS. THORNTON: Well they've, the people, one after another, okay Mike, you've heard the people one after another. And I guess some of my questions would be (1) if they want to appoint him, why is he not here, mandated to be here to hear all this. This is something that in this position needs to be known. The fact that he's not here, chose to leave the room means that he does not want to listen to the will of the people and

he will, should not be the one with our taxpayer's money hired to be the, the advice person to the Mayor.

Now the Mayor may have different views but a legal counsel should be telling him that mainly as an elected representative your number one job is to stand behind the people. Now the people have been spoken, I've heard them one after another after another. You're telling me that there's people with other viewpoints around here, well I don't see um. I don't see anyone passionate up here about the other viewpoint. So, we need to respect the vote, we need to be bold politicians in this time. We need to stand behind what the people want.

This is clear, there's been a vote that's gone before the people of Maui County and it wasn't just a vote that some politicians put up, this was a, a citizen's initiative vote. The first in the history of Maui County. So, proper politicians will get behind that, will get behind the people that vote for them.

Thank you and I respectfully after all these testimonies request that you do not appoint Patrick Wong. Thank you.

CHAIR WHITE: Thank you, Ms. Thornton.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Alan Brisley testifying on Committee Report 15-5. Last call for Alan Brisley. The next person to testify is Candace Angel testifying on Committee Report 15-5. She will be followed by Kyla Schwartz.

MS. CANDACE ANGEL (testifying on Committee Report No. 15-5):

Aloha. My name is Candace Angel and I'm from Kihei. I'm also a student at UH. I'm here simply because I'm opposing the committee, or, I'm, I'm here because I'm confident that Patrick Wong can do his, cannot do his job and uphold our democratic rights and the voice of the people. Mahalo.

CHAIR WHITE: Thank you, Ms. Angel.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Kyla Schwartz testifying on Committee Report 15-5. She will be followed by Bronson Kaahui.

MS. KYLA SCHWARTZ (testifying on Committee Report No. 15-5):

Aloha, Council. My name is Kyla Schwartz. I'm a member of the Maui County. I've been here for 15 years. I have two children and I have strong beliefs in just standing up for the nature and standing up for the children of Maui. I'm here because I'm opposing the, the Committee Report 15-5. I have no confidence that Patrick Wong can do his job and uphold the voice of the people. And with that thank you.

CHAIR WHITE: Thank you, Ms. Schwartz.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Bronson Kaahui testifying on Committee Report 15-5. He will be followed by Autumn Ness.

MR. BRONSON KAAHUI (testifying on Committee Report No. 15-5):

Good morning, esteemed Members of the high Council, Chairman. My name is Bronson Kaahui and I would actually like to speak on 15-3, 15-4, and 15-5, if I would be permitted the time to do that.

CHAIR WHITE: Please proceed.

MR. KAAHUI: Okay. All right, so first things first. I was going to come here and make a big mockery of the whole situation. But there's a lot of good people here, you know, they're just seriously misinformed on a lot of scientific issues. And so I think the County would greatly benefit from science education here in Maui and promoting the scientific consensus on GMO's. You know there's a lot a good people--

CHAIR WHITE: Please address the Chair only.

MR. KAAHUI: . . . the Ritte's, I had the opportunity to stay at their house when I was nine years old, we went hunting. So these are just, these are good people but they're just, they're afraid, they're scared of a technology they do not understand.

So I thought I might share the international scientific consensus on this issue, which is backed up by every major scientific organization on this planet. We have the American Association for the Advancement of Science, they say "The science is

quite clear: crop improvement by the modern molecular techniques of biotechnology is safe."

The American Medical Association says "Our AMA recognizes that there is no evidence that unique hazards exist either in the use of our DNA (GE) techniques or in the movement of genes between unrelated organism." "Bioengineered foods have been consumed for close to 20 years, and during that time, no overt substantiated, no overt consequences on human health have been reported and/or substantiated in the peer-reviewed literature."

We have the World Health Organization, "GM foods--

CHAIR WHITE: Excuse, one moment please.

MR. KAAHUI: Please show some respect--

CHAIR WHITE: You want, please--

MR. KAAHUI: I mean, show some dignity.

CHAIR WHITE: If you don't respect the process and then I will be happy to remove the folks that are making the coughing sounds.

MR. KAAHUI: Well, like I said there are some good people and then you also have crazies in every movement. You know half the people I've talked to are against vaccinations. I mean we're banning GMO's this year, what are we going to ban next year, vaccines, antibiotics.

This anti science movement in the country must be confronted and stopped because I mean, what is this madness, why are we banning GMO's based upon what, these unsubstantiated allegations of poisoning. Where are the poisoning victims, where are they. Let's identify these people, let's, let's come together, find these poisoning victims and I don't know, let's sue Monsanto or something. Why do you have to ban GMO's if you claim that you know, the biotech corporations are poisoning people. Certainly we should be able to identify some victims and, and come together on a case.

So, yeah, let's, I, I really wish that we could get past this anti science, anti GMO movement and move onto more productive things, you know, like maybe addressing the most egregious pesticides that are, that exist or possibly, I don't know, buffer zones, or whatever. Yeah, let's move on to these important issues and let's not get stuck on stupid on GMO's. I mean the international scientific community, the

European Commission, the Royal Society, the oldest scientific organization on the planet, the International Science Academies of all the major countries: China, India, Brazil, United States, UK, Canada.

CHAIR WHITE: Okay, that, that ends your testimony that item.

MR. KAAHUI: On, on five, can I go on four now.

CHAIR WHITE: Could you tell us what--

MR. KAAHUI: Yea so, ah--

CHAIR WHITE: --what do you--

MR. KAAHUI: --continuing on with that same theme, let's talk about a lot of the misinformation out there on, on the anti--

CHAIR WHITE: Wait, excuse me, wait. 15-4 is the appointment of someone to the Public Works Commission.

MR. KAAHUI: Yeah.

CHAIR WHITE: What you just said has nothing to do with someone being appointed to the Public Works Commission.

MR. KAAHUI: No, I think it does. Um.

CHAIR WHITE: That's my, that's my decision.

MR. KAAHUI: Okay, well, can I talk about the Public Works Commission then.

CHAIR WHITE: Okay, let's, let's hear what you have about the Public Works Commission.

MR. KAAHUI: So I believe that GMO's have a wider impact on the entire environment and, and all development in general. I support the non-enforcement of bad laws. I wish not only don't enforce the GMO ban but also do not force any laws dealing with marijuana or hemp or anything like that. I'm personally in support of non-enforcement of bad laws. Thank you very much, Chair, Council.

CHAIR WHITE: Okay, thank you for your entertaining testimony, Mr. Kaahui.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Autumn Ness testifying on Committee Report 15-5 and County Communication 15-49. She will be followed by Jasmine Kilborn.

MS. AUTUMN NESS (testifying on Committee Report No. 15-5 and County Communication No. 15-49):

My name is Autumn Ness, thank you for sitting through this today and listening to what we have to say. We all know that an unprecedented amount of money was spent by the chemical companies in the last election. By some accounts it was more money than was ever spent per voter in the history of U.S. elections.

And we fought back. The people of Maui who are tired of being ignored by their own government, by their own regulating agencies fought back against a barrage of money and dishonest campaigning, and we won.

What you don't know is what that win cost the people of Maui in sweat, in tears, in all of the time I didn't spend being a mother to my two-year old, in the slippers that I wore out knocking on 3,000 doors by myself, talking to my community. I let my business go and volunteered eight months of my life to match the army of paid industry campaign staff. I looked people in my community in the face with their looks of powerlessness and tone of despair when they asked me, even if I vote, is this really going to work. I answered that question with we are fighting with the most powerful weapon we have, unity and our vote.

By not defending our vote, the County has made me a liar. The people of Maui have put everything on the line and we won. And our own attorney from the very beginning wouldn't stand up for us. We pay his salary. His expressed mission is to provide legal advice and representation that promotes public interest. He is not providing legal representation that is in our public interest.

It doesn't have to be this way. In November, Humboldt County in California passed a sweeping ban on GMO crops. And just after the election their Mayor was in the newspaper saying that the people of Humboldt had spoken. The law had passed and it had some sections that were confusing and were going to need some work, but that their legal department's priority was to uphold the will of the people. He pledged to implement the sections of the law that were clear, while rolling out implementation of other parts as they were worked out.

How civilized that their Mayor and their attorneys looked for ways to make their law work. That's what attorneys do for their clients, right. They look for ways to make things work, they look for their best defense. Instead, we watched our legal counsel twist the wording of our initiative and advise our own County Council representatives against us. Pat Wong's job is to find a way to defend our moratorium. Patrick Wong's job is to take care of the injection well case. That's his job because we are his clients, not the Mayor, not Monsanto or Dow Chemical. We are his clients.

We also elected you. We watched you swear to uphold the Hawaiian Constitution and uphold the Public Trust Doctrine. Is he doing that, are you doing that? The Maui electorate is well known for not showing up for politics until now. We are learning quickly how to engage our government. We are watching your decisions and how they affect our future and we are asking that you do not confirm Patrick Wong and you find a more suitable attorney to represent us and our interests.

Like Auntie Loretta said a little while ago, it's time for you to start listening to us. When there's nothing left for my grandkids, I'm going to send them to you for, for an explanation. Thank you.

CHAIR WHITE: Thank you, Ms. Ness.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jasmine Kilborn testifying on Committee Report 15-5. Last call for Jasmine Kilborn. She will be followed by John Breen.

(Councilmember Baisa was excused from the meeting at 11:31 a.m.)

MS. JASMINE KILBORN (testifying on Committee Report No. 15-5):

Aloha. I'm here today to testify against County Communication 15-5. The Maui County website states that the mission of the Department of the Corporation Counsel is "To support County government by providing legal advice that promotes public interest." Is public interest includes protecting Maui's groundwater, streams, oceans, soil, and all life forms that rely on these sources to survive; then Patrick Wong's reappointment should be prohibited.

I will offer two examples that support my argument. First, the County was sued in 2012 for illegally dumping wastewater through Lahaina's injection well. Mr. Wong's advice, file an appeal rather than fix the problem. This is in clear violation of the

Public Trust Doctrine. Also in clear violation of his own mission to protect the public trust, that right there is your argument. If he does not protect the public trust, and the public mission, public interest, then he should not be reappointed. It's that simple, I learned that in my logic class in UH College. If this, then that.

This results in the continual poisoning of the land and water. Fines exceeding \$100 million, this is negligence, pure negligence. How can we listen to this man, much less reappoint him for more advice.

Second, Mr. Wong is responsible for manipulating the language for the moratorium bill on the ballot. These word replacements were used in strategy to protect private, not public interest. Again, his mission is to protect public interest. If the mission of Corporation Counsel is to protect this, then Patrick Wong has clearly failed. I urge you, I beg you please do not reappoint him. If you do, you will not have my vote next time and I will be sure to invite all my friends, all my family to the side of the road to have your name and say what you voted for and the stand of the people.

One life to live, carpe diem. Take the courage. Be the one to make the change. My mother, she's a pillar in the community, now a principal at a high school here. When she taught English she had this big banner in her classroom, I'll never forget it, I was like five years old and it said "What's right is not always popular and what's popular is not always right." Take courage. Thank you, thank you.

CHAIR WHITE: Thank you, Ms. Kilborn.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is John Breen testifying on Committee Report 15-5. He will be followed by Ki'i Kahooohanohano.

MR. JOHN BREEN (testifying on Committee Report No. 15-5):

Aloha, Mr. Chair.

CHAIR WHITE: Aloha.

MR. BREEN: Ladies and gentlemen of the Council, fellow citizens, visitors. My name is Jack Breen, I live in Wailuku. I've been a licensed attorney in Hawaii since 1989, in Pennsylvania since 1979, and elsewhere.

I had the honor of serving in the Office of Corporation Counsel as a litigation deputy. I've been involved in these proceedings before. I've watched the Council vote not to confirm a Mayoral appointee. I went through the process of another choice, having to go through and getting appointed. There are some very serious legal issues here. May a government attorney refuse to defend his client in litigation. There are rules of professional conduct that govern an attorney's actions. I would ask you before you vote "yea" or "nay" please read Hawaii Professional Rules of Conduct 1.2 and 1.3

Hawaii also has the benefit for an attorney. If he thinks he doesn't have the obligation to defend his client for some reason, that he can state to go to the Office of Disciplinary Counsel and obtain a formal written opinion explaining whether his thoughts on that hold water under our rules of professional conduct.

I urge you please consult with the Office of Disciplinary Counsel before voting "yea" or "nay". These are very important issues and they have precedential value. There will be other times when you pass legislation and a Corporation Counsel thinks there's some problem with that and your law gets sued and challenged in court. And he will have to think will defend the law passed by the Council? The ODC may answer that for him right now.

There are, you know, I don't want to cast asperges on Mr. Wong. I don't know his reasons. I would urge you to request that he provide you with a formal publicly published written opinion as to why he chose not to defend his client. There is important precedential value in that. Other people who've made that decision, including the Attorney General did that in the very rare circumstance, the only one that I'd heard of before where a lawyer decided not to represent his, his client. May I have a moment.

CHAIR WHITE: No--

MR. BREEN: All right.

CHAIR WHITE: We have to be fair to everyone.

MR. BREEN: Yeah, no I understand. I would recommend that you take a look at some of the other stuff that's out there. This is a serious, serious matter even--

CHAIR WHITE: Thank you, thank you, Mr. Breen.

MR. BREEN: --irrespective of where you stand on GMO's.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ki'i Kahooohanohano testifying on Committee Report 15-5. She will be followed by Nomi Carmona.

MS. KI'I KAHOOHANO HANO (testifying on Committee Report No. 15-5):

Aloha no kakou.

CHAIR WHITE: Aloha.

MS. KAHOOHANO HANO: Couple people asked me if, if I wanted them to hold my baby so that I could come up here and speak to you folks in an articulate fashion, I suppose. I'm going to be as articulate as I can and the reason I'm standing here is really because of her.

I don't need to explain anything that's been repeated over and over again to you folks today and before today. The bottom line is I am standing here for my kupuna seven generations back and seven forward at the very least. And we're here to remind you that Na Kupuna is watching, yeah, the choices that you make. What you chose to do with our aina with what is left of our, our people coming together fighting for what we have. What is ours. Please support the people. People keep saying you work for us, you work for us. You represent us. That is your kuleana.

Please really, really think about decisions that you make and it's not just about this man being in his, his position or not. It's a way bigger picture than that and you know what I mean. So when you go home, when you go into your Council please pray on that. Yeah, call upon your kupuna for their wisdom and may they grant you the appropriate pono choices as you walk for us, you speak for us and our babies and our future. Mahalo.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Nomi Carmona testifying on Committee Report 15-5. She will be followed by Paul Garrett Hugel.

MS. NOMI CARMONA (testifying on Committee Report No. 15-5):

Aloha Chair and Council. My name is Nomi Carmona, I'm the president of Babes Against Biotech representing our 39,000 members of which about 15,000 are in Hawaii. We are testifying in opposition to the reconfirmation of Patrick Wong as Corporation Counsel, formally opposing Communication 15-5 and we don't organize against his confirmation lightly.

Our primary reasons are (1) his failure to competently adopt the actual language of the initiative to the ballot; (2) incompetent legal maneuvering leading to the taxpayer funded fine of \$100 million and counting; (3) and failure to adequately defend the GMO moratorium initiative lawfully passed by the citizens under the laws this Council has sworn to uphold.

So he's currently charged with managing 14 attorneys with a budget of \$3 million but he's costing at least \$100 million with his demonstrated ineptitude. To enter a one sentence legal brief on behalf of no position, what exactly is it that we're paying for. We actually need highly ethical counsel who can complete their duties and public service in good faith. And so far we have several examples of gross inethicacy, and to reconfirm him I would suggest would demonstrate gross negligence and potential liability on behalf of the Council.

(Councilmember Baisa returned to the meeting at 11:41 a.m.)

MS. CARMONA: In a place which is subjected to the highest levels of open air GE testing, it's banned in 32 countries, we really don't have the option to fail to enforce or defend the initiative. I feel it's my duty to explain to you what your constituents did as I witnessed and organized with and amongst them. On top of the massive efforts put forth to place this on the ballot, and citizens doing everything they could think of, Maui was fighting off over \$8 million of propaganda funded primarily by Monsanto and Dow and our members here needed help.

So in the last 30 days before the election we formed a Coalition for a Safer Healthier Maui with dozens of other organizations and we had 30 days to do everything we could do with all of our economic disadvantage. And these citizens, your constituents, defeated the force of what we now know was \$15,020,480.00 of chemical company funding against safety testing. We followed the rules and the principles that were taught are the purpose of a democratic republic for a better society and common welfare of our communities.

And in those 30 days, hundreds of volunteers against paid canvassers' going fulltime reached 10,425 doors. They called 22,000 voters at minimum and they won by 1,077. They did the work that promises the yields of the will of the people. And we were outspent unprecedented levels. This is international news. And at a certain point we have to ask is this a corporatocracy or a democratic republic. And you recognize how this looks to the rest of the world if we don't enforce and defend this moratorium.

So if you want more participation in your own issues, then you have to show the world, the people actually works, that the process actually works. We have no confidence in Patrick Wong or his reappointment. We urge you to instead insist on highly capable and adroit attorneys who will actually do their jobs and represent these people who love Maui so much. If someone seeking such a critical confirmation, tradition dictates they present themselves for public hearing and Mr. Wong's absence exemplifies that disregard.

CHAIR WHITE: Ms. Carmona.

MS. CARMONA: And I would also say we would gladly also accept his resignation as sufficient comprehension of the majority will. Thank you.

CHAIR WHITE: We're going to take a two-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:43 A.M., AND WAS RECONVENED AT 11:47 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER VICTORINO AND VICE-CHAIR GUZMAN, EXCUSED)

CHAIR WHITE: This meeting of the County Council will please come back to order.

Mr. Clerk, can we proceed with the testifier, please.

DEPUTY COUNTY CLERK: The next person to testify is Paul Garrett Hugel testifying on Committee Report 15-5. He will be followed by Shauna Morrison.

MR. PAUL GARRETT HUGEL (testifying on Committee Report No. 15-5):

Aloha, Councilmembers, Honorable Chairman.

CHAIR WHITE: Aloha.

MR. HUGEL: My name is Paul Garrett Hugel and since the early 1990's I have sought to establish Maui as the environmental science center of the world. Now, did I make a mistake? Should I have been more clear in my visualization. Should I have said, the sustainable environmental science. I'm personally against the patenting of any life form, okay. I want to make it very clear that I oppose the appointment of Patrick K. Wong as Corporation Counsel. Based on all the testimony that I've heard today, I feel it was quite enlightening.

Now, I would like to leave all of you with some insight that I constantly reflect back on from His Holiness the Dalai Lama when he came to Maui and he spoke. And with your permission, I will just share some of his words in hopes that inspires the perfect solution to this issue at hand.

"Effort, with vision and patience. Determination, a more holistic view, that certainly we can reduce many crisis. That is my fundamental belief and most important clear vision. Here you have to know the reality in order to do that, holistic view and then in order to do that development of determination or willpower. Now here compassion. Compassion gives you inner strength. Also compassion gives you self-confidence that is a basis of willpower or determination so wisdom side and determination these two combined I think many problems can be reduced. That is my fundamental belief." That was a quote from His Holiness , the 14th Dalai Lamas in Maui, April 27, 2007. Thank you for your time, aloha.

CHAIR WHITE: Thank you very much, Mr. Hugel.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Shauna Morrison testifying on Committee Report 15-5. She will be followed by Kaleikoa Kaeo.

MS. SHAUNA MORRISON (testifying on Committee Report No. 15-5):

Thank you, Councilmembers, for having me here today. I've taken today off work, I don't get paid to be here and I'm simply here to register and have it be noted that I oppose the rehiring of Mr. Wong. He doesn't represent me, or most of the people here, probably most of the people on Maui. We've lost confidence in him. I'd like to say to Members here, if there is any--

CHAIR WHITE: Please address the Chair.

MS. MORRISON: --reason not to question what we're here for, again, you know with the GMO's, the pesticides, please read a great book called "Genetic Roulette". I advise everyone in this room, if they care about this subject just read that book. It's all laid out, all the science.

And I feel the only one here that's representing me is, is you, thank you for being here Ms. Cochran. My faith is within, with, is here with you and you have a big battle on your hands. I trust you, I'm so glad you're here, I voted for you. That's all, thank you.

(Vice-Chair Guzman returned to the meeting at 11:51 a.m.)

CHAIR WHITE: Thank you very much, Ms. Morrison.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Kaleikoa Kaeo testifying on Committee Report 15-5. He will be followed by Jeff Wayman.

MR. KALEIKOA KAEO (testifying on Committee Report No. 15-5):

(Spoke in Hawaiian.)

The life, brings breath, sovereignty, independence, but the real meaning of ea is to rise from below, to come up. And I love how much Councilman White, as you keep on saying follow the rules and process, reminding us, and this is what this is about, process. I want democracy to live in this land. Democracy, demos, Greek, the people, the people. And the people have spoken.

Now whether or not you as elected officials decide, again, decide to listen to the people, that's your choice. But see I'm a big believer in the people. And ea o ka aina, the people will rise. And the people are rising. Because we understand as the great queen, Moiwahine Liliuokalani told us, the voice of the people is the voice of god. The voice of the people is the voice of god. So I don't know who some of you are listening to, is it god or is the god of the dollar Monsanto. That's your choice that you must decide, but you see the people, the demos, the people of this land, we know.

I come here as a free kanaka, I'm not no paid consultant that's whispering in your ear. I don't have any economic interests to put more pesticides in this land. I come in here as a free kanaka to say "no more". The people will rise.

(Spoke in Hawaiian.)

Look to your fellow human being, less your love be wasted upon the dog. We must see each other as equal human beings, not incentive to fatten the pocket of a few.

Anakala Eddie Kaanana also reminded us in his words, where ever you go in this world, when you leave that place, leave it better than when you got here. So you look at this kinds of examples of poisoning happening in our lands and Corporate Counsel who represents the Arakawa Administration fails to listen and harken to our people. It tells me something on where all of you are at today. This is, this is about democracy for the people--

CHAIR WHITE: Thank you, Mr. Kaeo.

MR. KAEO: --your choice, our power.

CHAIR WHITE: Thank you very much for your testimony.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: The next person to testify is Jeff Wayman testifying on Committee Report 15-5. Last call for Jeff Wayman. The next person to testify is Judy Cantrell testifying on Committee Report 15-5. Judy Cantrell, last call. The next person to testify is Terez Amato Lindsey. Last call Terez Amato Lindsey. The next person to testify is Robin Knox. She will be testifying on Committee Report 15-5, she will be followed by Heidi Erhardt.

MS. ROBIN KNOX (testifying on Committee Report No. 15-5):

Excuse me, while I figure out the technology. Aloha, Committee and Chair White. My name is Robin Knox. I am testifying against the appointment of Patrick Wong as Corporate Counsel. I personally and professional have been severely harmed by Corporate Counsel's decisions to defend certain violations of law.

I've been on Maui more than ten years, more than 30 years I've been an environmental professional. I want you to note this is not an activist. This is a professional who's ethically bound to uphold the law and who knows the science, the law, and the engineering of protecting the environment.

My specialty is the Clean Water Act. My primary specialty is NPDES Permits. For 30 years I've been hired by the Federal governments, State government, local government and the captains of industry and business to make a determination for them of what requires an NPDES permit or not. This is my home court.

I've worked as a regulator, a consultant, I'm an expert in every aspect including wastewater treatment and pollution control. I was a researcher at three universities including the UH team that published the evidence of the Lahaina injections wells being illegal. Before we published this we met with County officials. We didn't want to publish this. We were, we were said you have no, they told us you have no published evidence. So we published and we, I met personally with Kyle Ginoza, told him why this was illegal, that the fines were as high as \$27,500 per day, per well, per pollutant and that individuals could be held criminally liable if they knowingly violated the Clean Water Act because that is a criminal violation.

After publication, there was much money, millions of dollars literally spent on counsel and studies trying to disprove what we said in our published paper. There were economic sanctions on me, despite the fact that EPA, Earthjustice and the Federal Courts have all agreed with my position. Everywhere I have gone to look for a job since 2010, the injection well work has been held in bias against me. Not only in employment situations by agencies that protect natural resources, but also by private clients not even related in work not even related to injection wells, like agriculture.

I was specifically told the County doesn't like you because of your work on injection wells. I was refused meetings with County employees and refused factual information about the wells, and refused the opportunity to sample the water which is after all belongs to the public trust because of orders of Corporate Counsel. This resulted in severe financial sanctions of me and my corporation that has essentially put me out of business and hurt me so much, hurt my health so much that I almost died. I ask you not to reappoint someone who has such blatant disregard for the law and ethics of discernment as an attorney.

CHAIR WHITE: Thank you very much for coming today, Ms. Knox.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Heidi Erhardt testifying on Committee Report 15-5. She will be followed by Michael Pasco.

MS. HEIDI ERHARDT (testifying on Committee Report No. 15-5):

Aloha, Council. Thank you much, very much for this opportunity to speak today in these open chambers. My name is Heidi Erhardt and I am a mother and I am an educator. I have lived in East Maui, I currently live in North Maui in the moku district of Hamakualoa.

I want to speak to the Council personally, look each one of you in the eye and thank you for your service to our community. For choosing a life of politics to serve and speak and work for the people that you represent, these people that have shown up and taken time off of work and out of their lives to be here today.

I'm here to speak and respectfully oppose the reappointment of Corporate Counsel Patrick Wong. I'm not going to repeat the many facts that have been spoken here already. You have the testimony and you know the facts. I believe it's been clearly shown that Counsel Wong is not upholding his responsibility to and I quote "promote the public interest".

Injections wells, the language on the ballot initiative, no position on enforcing the GMO moratorium, curbside recycling, and the waste to energy project. I'm actually standing here as another voice to say something else. What I want to say today is that each of you have an incredible opportunity. We're at a threshold right now. You as Council people representing the people and your constituents we all stand at this threshold together and you have an incredible powerful opportunity to make history.

So I ask you to listen, to really consider the testimony that has been brought to you today, what's happened in the last year, which has been tremendous in your careers I don't think you've seen anything like this. And the world is watching. We're making international news. So you have an opportunity to make history and we will stand with you if you do that. Engender our trust, engender our respect. Thank you so much.

CHAIR WHITE: Thank you very much, Ms. Erhardt.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Michael Pasco. Last call Michael Pasco. The next individual to testify in the Council chamber is Alika Atay testifying on Committee Report 15-5. He will be followed by Francisco Procella.

MR. ALIKA ATAY (testifying on Committee Report No. 15-5):

Aloha, Council.

CHAIR WHITE: Aloha.

MR. ATAY: I'm here to address 15-5. Kind of connected to having an understanding of getting to what we recognize as Hawaiian Constitutional Law, recognizing the Hawaiian Constitution. And within the Hawaiian Constitution recognizing the existence of the Public Trust Doctrine. And in the Public Trust Doctrine to also recognize the existence of the environmental rights that that holds.

Every one of the Councilmembers, as yourself, as well as Corp Counsel, whether you realize it or not, you raised your hand, you got chosen to be an Alii, to be a leader. To be the leader in Hawaii Nei, especially here, just like the forefathers, your political forefathers as leaders. As an Alii you always got to look first about the health and the welfare of the children, always, number one. Number two, the health and the welfare of the kupuna. Then from there you going switch, you going switch to what is the health of our water because we live on a very small island, with very finite resources. These resources that are held in public trust, that are protected by Hawaii's Constitution under this Public Trust Doctrine that you the leader must uphold and make your decisions as best as you can.

Corp Counsel giving that advice or decision of not to do things is a statement that we cannot . . . we cannot uphold. As an leader, as an Alii that's not protecting the future, not protecting the children, not protecting the kupuna, not protecting our natural resources. With this I say look within yourselves, you get kuleana, you get responsibility, no shame, stand up for what is right, uphold the trust. Protect the people. Aloha.

CHAIR WHITE: Thank you very much, Mr. Atay.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Francisco Procella testifying on Committee Report 15-5. He will be followed by David Hartke.

MR. FRANCISCO PORCELLA (testifying on Committee Report No. 15-5):

Aloha, everyone.

CHAIR WHITE: Aloha.

MR. PORCELLA: I strongly oppose what everybody is strongly opposing and, and I'm here in behalf of all the surfers that live in Maui. I've grown up here, I live in Haiku, brother was born here. And I, I want this place to be as beautiful as it is for the next generations. And, I just see this land being raped by Monsanto and all these corporations.

And, this place has so many resources that we could feed all of the State by growing food here and healthy like living. And I really believe that we can make that change all together and I really, I really believe in a better future for this land, for this, for this people that live here, for the future generations. And please make the right decisions because it's a real important time in our life and I really believe that we can do it all together and make it a better place. Thank you.

CHAIR WHITE: Thank you, Mr. Porcella.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is David Hartke testifying on Committee Report 15-5. Last call. The next person to testify is Joseph Kohn testifying on Committee Report 15-5. Last call Joseph Kohn. The next person to provide testimony in the Council chamber is Lauryn Rego testifying on Committee Report 15-5. She will be followed by Charles Villalon.

MS. LAURYN REGO (testifying on Committee Report No. 15-5):

Aloha, Council. My name Lauryn Rego, of Babes Against Biotech, in opposition of County Communication 15-5. Last year I personally registered hundreds of voters in Maui County. It's difficult to politically activate my generation. Plenty are jaded, believing that it doesn't matter who they vote for, it always ends up the same.

I inspired my roommates, coworkers, neighbors, anyone I could get to hear me out. I set up tables. I went around door to door to businesses. I made every guy that tried to date me register to vote first. I registered houseless residents who thought they couldn't vote without a physical address. I registered people who hadn't voted in over 30 years because they believe their criminal record kept them from participating. I arranged to pick up forms at peoples' homes. I let people drive up to my house and fill out their registrations in their car. I called my effort "no voter left behind".

Keep in mind, we're in the State with the lowest voter turnout, on the island with the lowest turnout in the State. I spoke passionately to my community about my belief that there was a reason to participate. That not voting is why our voice has been under represented in politics. I truly believed as I pitched each one of them to vote that participating in our local government was the powerful tool we had to make a change. To have our voices heard.

And you know what, we showed up to vote. We pulled off something huge. It's taken me a while to really appreciate what that took. In the face of what now adds up to over \$15 million spent by the vote no campaign. While the rest of the world was flabbergasted by a \$120 spent per voter, voter in the Alaska Senate race, here in Maui that amount was easily doubled. Do you think the results would have been so close if we had the same amount of money to spend, and equal air time to share our message. What if they weren't permitted to lie on TV. What if our own Mayor had to tell the truth. What if the playing field was equal. Do you think the results would have been the same.

I know a majority of this Council did not support the bill. I know there are those who just don't like this group of people. I ask you to put that aside, we won fair and square in a game that is stacked against us. So now Patrick Wong as Corporation Counsel barely can cough up a full sentence in response to Monsanto's lawsuit by stating that the County has no position, he is choosing not to defend the vote. I find this to be a blatant breach of ethics and a total abandonment of his responsibilities as counsel.

In any other work environment, when you fail to do your job, you lose it. We've heard testimony all day in regards to the harm Wong's advice has caused the environment. And while that's the subject that initially activated my political interest, I think there is an even greater harm. There are tens of thousands of Maui County residents who thought their voices meant something on November 5.

Patrick Wong's statements sends a message to all the voters of Maui County that their voice doesn't matter.

CHAIR WHITE: Thank you.

MS. REGO: I beg you not to support his message that local politics aren't worth participating in.

CHAIR WHITE: Thank you, Ms. Rego.

MS. REGO: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Charles Villalon testifying on Committee Report 15-5. He's the last individual who has signed up to testify in the Council chamber.

CHAIR WHITE: So, if--

MR. CHARLES VILLALON (testifying on Committee Report No. 15-5):

Good afternoon, correction, my name is Charles Villalon.

CHAIR WHITE: If you could just hold on for a second. If there's anyone else who would wish to testify this morning, please sign up in the back otherwise we will be coming to the end of the testimony.

Please proceed. Thank you for coming.

MR. VILLALON: I'm going to kind of echo the sentiments that have come through probably all morning. And a big hewa with this is that you guys were encouraging everybody to come out and express their right to vote because of the honesty of the system. You guys have failed miserably, miserably.

I'm 33 years law enforcement in this County. I just retired two years ago. I got so many people to vote, and I shame I when go ask them for vote. I shame. But you know what, I'm also aware and I'm part of a group, I don't have to make mention about it, but all Council's and all adjudicative boards, I going place you under notice, and the notice, any um, um legal advisors from the office of either the Corporation Counsel or Prosecutors, anybody here from Corporation Counsel. No ones here, Corporation Counsel.

CHAIR WHITE: We have, we have representation from the Corporation Counsel's Office.

MR. VILLALON: Okay.

CHAIR WHITE: We're not in a position to--

MR. VILLALON: Yeah, but I going place you in position, okay, you adjudicating the County. And, the what I want this Council to take is judicial notice on Stare Decisis. Look it up, you guys better check it cause its coming down like a freight train in this State

and this County in the next couple weeks. And all of you are hearing this, go look it up Stare S-T-A-R-E Decisis D-E-C-I-S-I-S. That's the supreme law of all lands in the free world.

CHAIR WHITE: Please address the Chair.

MR. VILLALON: Okay.

CHAIR WHITE: Thank you.

MR. VILLALON: I want you guys to learn that too, so you guys come out you guys going understand. Anything against Stare Decisis is, is a known violation of war crime against the sovereigns of the land. Nothing, that section will huli everything and I putting you on warning, especially you guys that know what we voted for, know what we expressed ourselves and you purposely went against it. I, I compel all of you to look up Stare Decisis tonight, okay. It's coming like a freight train and you going be all accountable for this. Thanks, but no thanks.

CHAIR WHITE: Thank you, Mr. Villalon.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Terez Amato Lindsey testifying on Committee Report 15-5. Ms. Lindsey is the last individual who has signed up to provide testimony in the Council chamber.

MS. TEREZ AMATO LINDSEY (testifying on Committee Report No. 15-5):

Thank you. I'm, I apologize, my son needed an emergency ride. Okay, so thank you, thank you very much for allowing me this opportunity, and I'm honored to be the last one. So it's a pleasure to provide input to you today to recommend that you do not confirm Patrick Wong as Corporation Counsel.

I quote from the Maui County website "The Department of the Corporation Counsel is charged with supporting County government by providing legal advice and representation that promotes public interest, public interest". Regardless of your personal view on the GMO moratorium, it is an undeniable fact that the majority have spoken and voted yes. It is appalling that the Maui Corporate Counsel will not defend the vote of the people. Federal coordinated framework on Federal and State preemption does not directly address Maui law; therefore, Corporate Counsel as well

as the Mayor have a fiducial responsibility to represent the people to certify the legal vote and to also represent what the people want as their wishes.

So the Mayor and Mr. Wong are not judges. There is no good legal precedent for not enacting the law. The County Charter demands it. I urge the Council to hold them to this bare minimum legal standard and not to confirm such appointments and give blessings to such actions. Counsel Wong has in court refused to defend the newly enacted ordinance. His job is to represent the people and he's simply not doing it. Had Wong made this County position known when it was, when representation was before Judge Kurren, other legal entities would have been allowed to defend the moratorium passed by the people of Maui.

The fact only after the ruling came forward, sorry, the fact that he only came forward after the ruling stating that the County had no position on the moratorium resulted in only one organization being able to defend the vote of the people. This was an unethical act. Even worse with this enactment he didn't do his job for the people or the County.

So I urge you to not confirm Patrick Wong as Corporate Counsel as he has repeatedly shown he is not representing the interest of the people. And further there are a couple other little side issues I believe that it should be investigated further what his role was in the Energia contract that is now being debated and spoken in depth about in the community. And thank you, thank you.

CHAIR WHITE: Thank you, Ms. Lindsey.

Are there any other individuals who would like to provide testimony this morning? If so, please come forward. And Mr. Clerk can we go to the District Offices, please

DEPUTY COUNTY CLERK: Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

And I want to thank all of you for bringing your testimony and your passion to the chambers this morning and thank you for, for the most part, containing yourselves and I really appreciate that. So, with that, we will be in recess until 1:45.

I'm sorry, thank you. Thank you for the reminder, Mr. Carroll.

Members, without objection, the Chair will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, public testimony is closed and we'll. Okay, Mr. Clerk have we received written testimony?

DEPUTY COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Okay, without objections the Chair will order it, submitted for the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Alex Haller;
2. Rita Massey;
3. John T. Gelert;
4. Kenwell A. Dafun;
5. Daryl Quenga;
6. Tamara Paltin;
7. Mike Sparling;

8. Brad Quinto;
9. Ed Felien;
10. Stacey Guinan;
11. Joshua Kalkstein;
12. Monica Mikolajczyk;
13. John Morey;
14. Frederick Von Essen;
15. Gerry Dameron;
16. Clarence A. Fune;
17. Robert Garcia;
18. Deborah Mader;
19. Matt Mercado; and
20. Ann Pitcaithley.

CHAIR WHITE: Mr. Clerk, I should ask you if we've got anything else to do before I recess.

DEPUTY COUNTY CLERK: No, Mr. Chair, that's, that's it.

CHAIR WHITE: Okay, thank you very much. Thank you all for coming today, we're in recess until 1:45. Mahalo.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:19 P.M., AND WAS RECONVENED AT 1:46 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER VICTORINO, EXCUSED.)

CHAIR WHITE: The Council meeting of February 6, will come back to order. And Members, we will proceed with our agenda.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meetings of December 5, 2014, and December 19, 2014, were presented at this time.

CHAIR WHITE: Thank you.

Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO APPROVE THE MINUTES ON THE REGULAR
MEETING OF DECEMBER 5, 2014 AND THE MINUTES OF
THE REGULAR MEETING OF DECEMBER 19, 2014.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Motion been made by Vice-Chair Guzman and seconded by Mr. Couch.
Members, any discussion on the minutes of those two meetings?

Seeing none, seeing none, all those in favor of passing the minutes, please signify by
saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure carries, eight "ayes", zero "noes", with Mr. Victorino "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-1 - LAND USE COMMITTEE:

Recommending the County Communication 03-213, from the Planning Director,
transmitting documents relating to a Change in Zoning application submitted by Maria
Kato for the Kato Commercial Center at 1156 and 1164 South Kihei Road and

12 Nohokai Street, Kihei, Maui, Hawaii (TMKs: (2) 3-9-007:041, 042, and 043), be FILED.

CHAIR WHITE: Mr. Carroll

COUNCILMEMBER CARROLL: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-1.

COUNCILMEMBER BAISA:

SECOND THE MOTION.

CHAIR WHITE: It's been moved by Mr. Carroll and seconded by Ms. Baisa to file County Communication 03-213. Any further discussion, Members?

COUNCILMEMBER CARROLL: Chair.

CHAIR WHITE: Oh, I'm sorry. Mr. Carroll

COUNCILMEMBER CARROLL: Thank you, Chair.

On January 14, 2015, your Committee met to consider County Communication 03-213, from your Planning Director, transmitting documents relating to Change in Zoning applications submitted by Maria Kato for the Kato Commercial Center at 1156 and 1164 South Kihei Road and 12 Nohokai Street, Kihei, Maui, Hawaii.

Your Committee received correspondence dated December 11, 2014, from Maria Kato, expressing that she no longer is interested in continuing with the application. As the file confirms, this has been a long process for both applicant and the Committee over the years. We wish Mrs. Kato and her family well.

Your Committee voted 7-0 recommending filing of the communication. I ask for the Council's support for this recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure carries, eight "ayes", zero "noes", with Mr. Victorino "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-2 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 1 (2015), entitled "A BILL FOR AN ORDINANCE GRANTING HAWAIIAN CEMENT A CONDITIONAL PERMIT TO OPERATE A CONCRETE BATCHING PLANT WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, TAX MAP KEY NUMBER (2) 4-4-002:039 (POR), HONOKOWAI, LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-284, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-2.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Mr. Carroll and seconded by Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

On January 14, 2015, your Committee met to consider a request for a Conditional Permit application submitted by Hawaiian Cement to allow the conditional operation of a concrete batching plant in the R-3 Residential District on 1.18 acres at Honokowai, District of Lahaina.

The proposed bill would grant a 20-year Conditional Permit to the operation of an existing concrete batching plant. The plant has been in continuous operation at this location since 1987.

Your Committee noted that Hawaiian Cement has installed fencing to control dust and made other efforts to limit adverse environmental impacts. No dissatisfaction with the operation was expressed by neighboring landowners and residents.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. I ask for the Council's support on this recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record BILL 1 (2015).

COMMITTEE REPORT

NO. 15-3 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-11, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL", be ADOPTED;

Approving the appointment of Diana DeLouise (replacing Dorothy Buck) to the Affirmative Action Advisory Council for a term expiring on March 31, 2018.

2. That Resolution 15-12, entitled "APPOINTMENT OF A MEMBER TO THE COUNCIL ON AGING", be ADOPTED;

Approving the appointment of Valerie Janikowski (replacing Garrett Toma) to the Council on Aging for a term expiring on March 31, 2019.

3. That County Communication 15-22, from the Mayor, be FILED; and

4. That County Communication 15-25, from the Acting Mayor, be FILED.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE, THE RECOMMENDATIONS OF
COUNTY COMMUNICATION NO. 15-3, COMMITTEE
REPORT 15-3.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch and seconded by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Your Policy and Intergovernmental Affairs Committee met on January 22, 2015, to discuss the nominations that we have before us. Your Committee was satisfied with the information submitted on the application forms and did not request interviews with the nominee.

Your Committee recommended the proposed resolutions be revised by placing the names and the terms of the respective nominees on Exhibit "B" for approval. And, those nominees are Diana DeLouise for the Affirmative Action Advisory Committee, for a term expiring March 31, 2018 and Valerie Janikowski to the Council on Aging, for a term expiring March 31, 2019.

I respectfully request the Council's consideration of the motion.

CHAIR WHITE: Thank you. Members, any further discussion?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. I speak in support of the motion, specifically the resolution that is for, approving the appointment of Valerie Janikowski of Lanai to the Council of Aging. I can tell you back home, the community is quite happy about this individual who will be serving not only Lanai, but the rest of the County in this particular area of concern. And I would ask the Members' to give their full support behind Ms. Janikowski's approval. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion? Seeing none, all those in favor of the measure, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTIONS 15-11 and 15-12, respectively.

COMMITTEE REPORT

NO. 15-4 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-13, entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR TERM ENDING ON MARCH 31, 2016", be ADOPTED; and

Approving the appointment of Flordeline Vila (replacing Alan Fernandez) to the Public Works Commission for a term expiring on March 31, 2016.

2. That County Communication 15-24, from the Mayor, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-4.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch, seconded by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Your Policy and Intergovernmental Affairs Committee met on January 22, 2015, to discuss the nomination of, of Flordeline Vila to the Public Works Commission, for a

term expiring March 31, 2016. Your Committee was satisfied with the information submitted on the application form and did not request an interview with the nominee.

Your Committee voted 8-0 to recommend adoption of the revised proposed resolution approving the appointment of Flordeline Vila to the Council on Aging *[sic]*. I respectfully request the Council's consideration of the motion.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. Once more, I'll be asking the Members to support this Lanaian, Flora Vila as we more commonly call her on Lanai. She is very active in our community, in fact her family is very active in the community not only herself. And I believe she would give Lanai great representation on this brand new major commission for the County. Thank you.

CHAIR WHITE: Thank you. Any further discussion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 15-13.

COMMITTEE REPORT

NO. 15-5 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-14, entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL", be ADOPTED;
2. That the correspondence dated January 16, 2015, from the Department of the Corporation Counsel, be FILED; and
3. That County Communication 15-26, from the Mayor, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request a short recess.

CHAIR WHITE: Yes, recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:55 P.M., AND WAS RECONVENED AT 1:55 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER VICTORINO, EXCUSED.)

CHAIR WHITE: The Council meeting shall come back to order.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE, THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-5.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch, seconded by Mr. Carroll, to pass Committee Report 15-5.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Your Policy and Intergovernmental Affairs Committee met on January 22, 2015, to discuss the appointment of Patrick K. Wong as the Corporation Counsel.

Your Committee notes that Mr. Wong has been serving as Corporation Counsel since 2011.

Your Committee commended Mr. Wong and his staff for their professionalism in representing County agencies, officers, and employees.

Your Committee was satisfied that it had done its due diligence in considering Mr. Wong's suitability for the position. Accordingly, your Committee voted 9-0 to recommend adoption of the proposed resolution entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL", and filing of the communication.

I respectfully request the Council's consideration of the motion.

CHAIR WHITE: Members, further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

As we all know in an earlier meeting we had 54 people come over here with various reasons to deny Mr. Wong's approval at this time. And we had a lawyer come over here, cite several parts of the law code, which I have no idea what he was talking about. But the concerns were serious and I would like if the committee would allow to have Mr. Wong come down over here and answer some questions. Because I don't think it's fair to have public testimony given, and not have the person in question be able to clarify or perhaps answer the concerns that our community has. If there is no objection.

CHAIR WHITE: Members, any objections to asking Mr. Wong to come down.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Objections? Mr. Wong, would you please join us.

Thank you, Mr. Carroll.

And if the committee is all right with it, we'll allow Mr. Wong to make an opening statement.

COUNCILMEMBER HOKAMA: Chairman, Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: We are in a Council meeting, sir. This is not a Committee review, this is a final Council review and action situation. Thank you.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Thank you, Chair. Thank you, Members.

It's with great pleasure that I sit here before you ready to respond, if necessary, to any of the allegations raised in prior testimony. Let me generally state that I appreciate the testimony provided today, the extensiveness of it, and the willingness and passion within which the testifiers have presented. I respect their opportunity to speak today and I also respect this body's opportunity to allow me to speak.

Mr. Carroll, referenced an attorney who testified and referred to some jargon that you're not familiar with. Let me offer this, the attorney should know that the Office of Disciplinary Counsel does not issue formal opinions no longer. They only do so on issues of general, legal necessity. He can certainly address his concerns to the Office of Disciplinary Counsel directly.

Let me read for you Rule 3.6 in the Rules of Professional Responsibility before I move forward. And these are Rules that I'm governed by. Subsection "(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing the adjudicative proceeding in that matter." In English, I as the attorney of record in both litigated matters, the GMO litigation and the injection well litigation, am prohibited by Rules of Professional Responsibility from making extrajudicial comments, that means a comment outside of court that may impact adversely one way or the other, the litigation pending before the courts.

Both matters are currently pending before the courts. I can give you the procedural history of those matters. I can give you what's currently filed in those matters, and how those documents were filed. As it relates to the matters itself, and the strategy, you all know that we discussed those issues in Executive Session previously with the

Policy and Intergovernmental Affairs Committee and currently with the Committee of the Whole. That information is protected by executive privilege, and I will not reveal that information.

However, Subsection (c) says "Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client." That means I can, as, as much as possible, respond to some of the allegations that are clearly in my view, inaccurate and a misstatement of fact, and a misstatement law.

The statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity. With that said, I will start with, as you heard the recurring theme that the County of Maui is responsible for \$100 million price tag in a penalty. False, the court has not issued a penalty. The penalty phase is in the future, it has not yet occurred.

I would offer that all the testimony today, is to me, prejudicial to the interest of the County, because it does not accurately reflect what has actually happened in the courts. There is a risk that there is a penalty that may be implemented. That penalty, that whatever number has not yet been issued. Everyone assigns a value to me. If it's true, I accept it. But it is not. If there's any, any to me, discussion about that litigation, and the prospects of a penalty associated therewith, that discussion should be made with this body in executive session. Those issues are for future risk and exposure.

As it relates to the injection wells and its operations, as I've said before, the Department of Environmental Management has been compliant with the underground injection control permit, which is currently being considered by the Department of Health and the Department of Environ, Environmental Protection Agency.

We applied for, as I stated before, the NPDES permit in November of 2012, that's of record. There is nothing that I can do to get the Department of Health to issue that permit. We can stay here all day and get into the nuances of the litigation. That matter has been fully addressed in the previous committees. Unfortunately, a lot of the discussion has occurred in executive session. The information that is out there, that these people, fifty plus people that testified to today, in my view characterized as misinformation. I believe that majority of the people are passionate about the topics, and that's fine. But please present accurate information that's truly reflected in the positions taken.

Apparently I'm also, based on some testimony today, the author of the initiative itself. Incorrect, I did not author that. Apparently I'm also the author of the language as written on the ballot. So too, incorrect. I'm not certain how that misinformation is developed, but it is misinformation at its core.

I think that if you look at how we've handled litigated matters, I think we've been focusing primarily on who is our client, and unless an individual is identified in the pleading, our client is, of Charter, as you know, and we spoke about in the committee, the County of Maui. You read our Charter, the County of Maui is that body politic. It is not an individual. My obligation rests with the Charter provisions and its mandate that I protect the interests and I'm the legal representative, the County, the Council, the Mayor, the deputies, the department heads, the employees, and the various committees.

I don't read the Charter to say all constituents that may have a disagreement with the positions taken in a litigated matter. I don't read the Charter to say that every constituent that presents testimony here today is my client. My client is the body politic. If this body wants to expand that authority to include the general constituency, then I would suggest a Charter amendment be made to allow the Department of Corporation Counsel to represent individual constituents before any other matter. Until that occurs, my read of the Charter is that my role and responsibility is to represent and provide advice to the County of Maui, the Council, the Mayor, and all the remaining clients that I have.

I do not believe that any of the positions that I've taken in any litigative matter is contrary to the interest of my client the County of Maui. I also stand by every position taken in every litigated matter as it represents the true interest of the County as a whole, as opposed to any select group or fifty plus testifiers that are, or may believe that my interest, or my representation is adverse to their particular interest.

I do not take any negative ill will from their testimony. I do not want to take this time to disparage any testifier in particular. I want to offer to you generally, that my obligation under the Charter, and under the ethical boundaries that I operate by, is to serve the County of Maui in the interest that best serves the County. I apologize if that interest and my representation may be contrary to some of the special interests that may exist. I assure you that at no time that any of the large corporations that were alluded to today had any influence on any of the decisions that we've made in defending the County and its interest.

Quite frankly, I think that some of the procedural steps taken in the GMO litigation without getting into the details has provided the movement the opportunity to intervene, which we did not object to. You can look at the documents that say that.

Apparently they've hired their own counsel, which is great. I'm curious to see how their counsel is able to dispatch their positioning.

I don't agree that the positioning of the movement is entirely consistent with the positioning of the County. And I think that without getting into, and violating my own Rules of Professional Responsibility, if there's any questions at this moment, I'm, I'm welcome, I will welcome any questions from this body as I report to this body. I don't think that anything that I've done has been inconsistent with the interest of the County of Maui. Thank you.

CHAIR WHITE: Thank you, Mr. Wong.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

We had a testifier come before us and say, doing right is not always popular, and what's always popular is not doing right. And this Council, every decision we make falls in one of those categories.

To the community and my fellow Members, I hate executive sessions. I don't like executive session. We were forced to go to executive sessions because of the way our legal structure is in the courts and other places that literally force us into that situation. And when we come out of there, and we have to make decisions, the public is telling, gee, what did they do. How come they, they saying yes, how come they saying no, how come they did this and that. And we cannot say, we are bound by these executive sessions. There is so much information that I wish that I could tell the public right now, and I think every Councilmember over here feels the same way. It's difficult.

Pat Wong ended up being the focus of the concerns the public has. And those concerns are legitimate. They have strong legitimate concerns, they're concerned about our community, they're concerned about injection wells. They're concerned, why, when the referendum passed, why action hasn't been taken by this Council. It's been explained why, but those explanations are not satisfy, satisfactory to the general public.

It is very, very difficult. It would be easy in this case just to go over there and say I'm sorry, we're not going to approve Mr. Wong. That would be the popular issue. That would be the thing that everybody would look at us and say, oh wow, they're listening to the general public. Unfortunately, our mandate to represent our people and represent this islands, the people in it, the sea around us, do not allow us to go over

there and do the popular decision. We were elected, as was brought out by many testifiers to represent our people and this land and the sea around us. And we need to make the decisions that will protect this.

We need to make the decisions for our children, our grandchildren, our great-grandchildren. We talk about seven generations before and seven generations afterwards. I myself am working toward it, I have ten great-grandchildren.

It's something I don't take lightly, every decision. I study it, I listen to everyone, I listen to every testifier seriously and I weighed it against what we know from executive sessions and other places, and what Mr. Wong has brought forward and what other people have brought forward.

I wish the system was different. I wish that we didn't have executive sessions. I wish everything was more open, but it's not. And we, this Council do not have control over that. It's just the way it is. I would hope that bringing Mr. Wong down over here and his explanation and what the Councilmembers know from the executive sessions, which just, I choke that we cannot share this with the general public at this time. I don't know if certain time pass that people can find out really what happens and what goes on in there, I'm not sure if there's some avenue for that. I wish there was.

But, I thank the Chair for allowing Mr. Wong to come down and I thank the Councilmembers for their consideration. I seconded the motion. Before Mr. Wong, spoke, I was waiting to see what he said. We know what happened but I felt it was really important for him to clarify where we're at and what has transpired.

What really bothers me is we're going to hear from people that don't like this decision, oh yeah, he was just blowing smoke. I'll tell the general public right now and anybody that knows me, I personally am saying he is not blowing smoke. He has done his duty, he has done his job. People are dissatisfied with the results. I'm not happy with the results. But it's something that we have to live with and it's something that, some things that we just do not have complete control over. And we need to work harder and try to make it better. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

I'll just add to that, that all of us sometimes feel like a more artful term, muzzled by executive session. But, it's that way because of our legal system and the challenges that brings to us.

I would also like to point out that in our past meeting regarding the injection wells, in open session, Mr. Wong laid out all of the, all the parts of the case that have been

before us in order to let the public know up to a certain point what our challenges are, what the case is and so forth.

So, and I believe Vice-Chair Guzman and Mr. Wong agreed on that in order to try to counter some of the concerns that you, you've just expressed very well. Because the public needs to know what our challenges are. We can't share every bit of them, every bit of it with them. And there's a, there's a point at which they have to trust our judgment and with that I'll open it up for other, other discussion, Members.

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair.

And, I would like to say that it was a very difficult morning. And I certainly feel very affected by all of the testimony that was made this morning. I feel very sad that we had to do that, because as have been stated by Mr. Wong, there is a lot of misunderstanding about exactly what's going on.

And I heard repeatedly about us owing the \$100 million and about him being the author of the language and all of that, knowing that that was not true. But it isn't our place when we're accepting testimony to argue with the testifiers, but to receive the testimony. And so we have to sit here and patiently try to listen to everybody's opinion and it's very difficult. Particularly when you'd like to say no, I, let me explain.

But a lot of times we can't and a lot of it we can't because of Sunshine Law and because of executive sessions and the limitations that we have placed on us. The public, you know, I'm fairly new to this even though, you know, I'm in my last term, I still feel that I'm still new to the litigative process here at the County.

And I've had to learn how difficult it is and I would ask the public to not just judge Mr. Wong on the GMO issue and the injection well issues. He takes us through many, many, many litigative issues all the time, and does so in my opinion, very successfully, very creatively. And it's my opinion that he has prevented the County from having to spend millions and millions of dollars because he has great skills.

So I would ask people to be balanced and to look at everything fairly and not to judge him solely on something that I don't think is well understood. And it's nobody's fault, it's just the process. So I will be keeping my support for Mr. Wong. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And, yeah, it was quite a exciting morning and you know, for me, the number of testifiers represents a whole lot more bigger voice that actually could make it to this room today in the mid-morning, mid-day Friday. And, you know, and I agree to a certain extent with Ms. Baisa in regards to the couple huge issues that were brought up over and over today.

But what I see from the testifying also, and yes, there's some misnomers in regards to what you explained, Mr. Wong, and thank you for that. Is that I think, I felt, and I know I've said it before that we should have never gone there in litigations. But here we are. And I think the feeling and the thought is because we are here, now there is risk of multi-million dollars of taxpayer dollars possibly, it's, it's all possible, to be forked out for litigation, for fines, penalties, and what have you.

So, we're yet, that's yet to be seen. So, you know, and just the point of the whole initiative and voters, first-time voters, I think Ms. Rego brought it up, she said we got the lowest voter turnout in the State, but actually it's in the nation. And my district West Maui, unfortunately is the lowest of all. And there were many first-time voters that spoke out and that is why they came out. And I hear their voices, and I hear their pleas, and I'd never want to let them down. To let them feel like, well yeah, in the end it didn't matter anyways.

You know the idea, the example, of Humboldt's Mayor and their attorneys, Corporation Counsel, working through whatever initiative went there to try and figure out the parts that could work. And the parts that didn't work, they are going to set it aside. So, to me there are always ways and solutions, and different efforts and more creativity that could have been put into helping urge this forward. And personally, I don't think enough was done.

So, I kind of look at things a lot differently. You know, as you, and there's no secret that pretty much the people that are here were people that I stood up and said, I'm your voice, you're my voice, I'm going to represent you. And you know what, I will till today. I'm not going to let anybody down.

And when, Ms., and I want to know Mr. Wong's quote that he, statement he said is his position is the County's position. Well I am the County. The 51 testifiers and the people they represent in this County are the County also. So there's a conflict there in regards to is it County Administration's voice or is it County County. I mean we have to debate this all the time.

I understand, that is the hardship and the, you know, the tough things we got to make the calls on at, at, being in this seat. So it's never easy, no it's not popular. Right and popular don't go hand in hand all the time. And you know, I'm always never afraid to be not so popular. But I'm always, for me, deep in my na`au, deep in my heart is about right. It is about what I believe in.

And so, Chair those are just my comments here today and I just want to thank this, this community for stepping up and speaking out. And the whole reason for this whole democratic process is when I heard those words over and over today, that they feel like the democratic process is failing them. That scares me. It saddens me, but I'm glad I'm here to be part of the process. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

You know, several Members already said a lot of what I was going to say, what's popular is not always right, and what's right is not always popular. That was said. One of the things that we have to remember is we're in a republic. We, nine are chosen to represent the people. Not only the majority, but also the minority. We're supposed to, as part of a republic is to protect the minority as well.

You know, we had 54 people who came out because they were all . . . on Facebook, and got here last minute. Could have happened the other side, if the other side wanted to come out too, you know in response to this. Could have had just as many if not more. So, I, I'm not saying that these folks are representative of the whole County, they're representative of their side of the issue.

And, then, also, you know, we all know that the Charter prohibits change, we're talking about the moratorium. The Charter prohibits change, for us to change it for a year. So, there is no opportunity to tweak this and tweak that. We were told yes or no and that was it. And then we can't do anything for a year anyway. So, they were, you know, talking about the Humboldt Mayor and what not, maybe their Charter or whatever they did for their initiative, they could change it. We can't. We have, our hands are tied in this matter.

So, I think Mr. Wong has, and as we discussed in Committee with the 9-0 vote, Mr. Wong has done an exemplary job at protecting this County and I see no reason to change my vote. Thank you.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I too can appreciate the process. I think we had, there was, there was a good orchestration of turn out this morning to try and dispose of Mr. Wong because of their support and belief with the initiative, as well as their concerns with the testifiers in regards to the injection well.

So as I was listening, I was trying to go back to when it all first came before us. Came through, through us because the Charter allows it and, and the initiative came before us and before our Policy and Intergovernmental Committee. And it was, gosh, we had discovery after discovery and all kind of vetting to see how we were going to come out to have it.

So, the wording, if my understanding is correct of the initiative, it was put together by the SHAKA group. And, then the process went through as to how we would get it on the ballot. And, I understand that both sides SHAKA as well as the pro-GMO side had opportunities to comment on the ballot language. And ultimately, the officials, the County Clerk, Corporation Counsel, as well as the State Election Office had the final say. But, I think both sides had concerns and, and the matters were raised. And there was quite a bit of testimony in regards to the language of the ballot. And, apparently it worked for the yes, in support of the initiative.

I also heard from testifiers that our Corporation Counsel failed to respond to upholding, if it, if I heard correctly, the, the so-called law. My understanding at this point, it is currently not a law. It's in the, the legislation process with the initiative was allowed and it was voted upon but I would think that we would have to as the County legal people, should defend the enforcement and implementation of the law. And, and to me, that is their ultimate responsibility. But it's not a law yet. For whatever reason, it's in the hands of the court, we can also go back to what's happening on Kauai, as well as Hawaii island. And, you know, the kind of outcomes that have come out on, on the rulings.

So for us to say that Mr. Wong did not make the right call, maybe in the opinion of the testifiers, perhaps, but I think we need to be mindful of the legal and fiduciary perspective that, you know, what type of position was taken by not stepping in at this stage in defense of the County. And, should it become law as it will be, may be ruled by the courts, then he certainly has a responsibility to uphold that law. But until then.

I also wonder about the concerns that I believe every testifier had about the injection wells. And, you know, the injection wells been there a real long time, I understand, and we, we are still in litigation so where ever they are coming out with the information, I, I don't know. It is, what is happening correct, but the Corporation Counsel is in a position to litigate on our behalf. And, that's the process that we, we are going through now.

And I also'd like to make mention that yes, democracy sometimes does not listen to the minority. Democracy will listen to the majority, which is, which today in regards to this initiative is our Maui voters. And, but the minority . . . were to say home rule, Molokai voted in the vast majority of no. But they ended up being the minority. I just want to make that, cause we've heard democracy, you know, I've heard the, whatever side one would take, I think it's sort of unfair for us to use this issue, or initiative in a sense to make the determination on how we will choose or not to choose to reappoint Mr. Wong.

I think we need to keep in mind that, in reference to the many, many, many issues that we deal with, we look at the fiduciary perspective that how much our County comes out winning. And, and, that was why my original vote was yes to get it to this agenda. And, I believe at that time, all nine of us voted yes. And I stand by that today. It may not be most popular to all those that testified, and those who supported the initiative, but we have a big picture here to deal with and not just one issue. And there's many, many issues that I've learned in my first term that we have to deal with and look at how the County survives or, or continues to provide all the type of services that is demanded from us. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I listened well like the other Members this morning to those that testified. Let me just give my comments in this manner. I had to work very closely with Mr. Wong over the last four years as the former Policy Chair. And we worked on many, many litigation issues, claim settlements, personnel issues, some were contractual issues. And, I will be upfront, Mr. Wong and I did not agree on everything. But I will tell you that at no time, did it ever come through a thought in my brain that Mr. Wong was not working in the interest of the County. Not once.

It is not an easy task to be Corporation Counsel. We can go through all the Council's since the 60's when we went from the Board of Supervisors to this Charter form of government. Some Corporation Counsel's took a lot longer to be confirmed, depending on which Administration you want to look at. But I will speak from a more big picture, standpoint. I think Mr. Wong has been consistent in representing the best interest of the County. And when he gave his definition of the County, that is my understanding as I read the Charter also.

You know, we're not sitting on, in Appeals Court, or anything, but regarding a proposed ordinance, you know, one of the issues that I look to the court for guidance is can it countervene the existing Charter. And there are provisions in the proposed ordinance that goes against the existing Charter. The Charter as I understood the pyramid of documents, and those brought up the State Constitution also, which I was very fortunate to be one of 102 delegates that wrote this current version of the Constitution. So I understand the comments made regarding it is the same with the Charter of this County. It was written by our people and that was, is our basic founding and determining document that we base all our powers by, our responsibilities by, our duties by. It's specified in our Charter.

So for me, Chairman, unfortunately it is in court, but there's fundamental questions. Can an ordinance override the Charter? Because that ordinance proposes to do such, override the Charter. That disturbs me. And I know what will that do with every other decision made based on the Charter being the founding document, or the guiding document.

I would say, in my experience, in being around this building for close to 60 years, I think Mr. Wong is one of our better Corporation Counsels. And I say that with some humility, Chairman, knowing other Corporation Counsels and knowing how other counties around the country operate. I would say working with him, seeing how we've, and again, I agree with you Members, it is hard because we cannot divulge what I consider very critical information regarding this consideration. But it is privileged information at this point in time and we are not allowed to speak it or the details in this open session, Mr. Chairman.

So I'm, I find it difficult to fully express my sentiment at this point in time. But, you know, Lanai has trusted in me. I believe I have ended up on a lot of the short end of votes because of what I believe is right. But today I'm going to continue to follow how I base all my decisions, serving the people of this County, the people of my island and I'm going to do what I believe is the best thing for the County of Maui and so I'll vote accordingly, Chairman. Thank you.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I, I think I would like to refer to what we discussed about during committee regarding Mr. Wong's appointment. And I know that several of us Members, I believe Elle Cochran, myself, you Chair and Mr. Hokama had stated on the record that we had concerns in regards to Mr. Wong and the position, the position of Corporation Counsel as it being, in my words, inherently bias based off of the Charter because of the fact that the Mayor appoints, we confirm, but the Mayor initiates any termination. So, basically, I always had a problem with that in terms of where does Corporation Counsel's loyalties lie. And so that still bothers me in, in that sense.

I did propose a Charter amendment, although it died in Committee to allow the Council to have the initiating power to terminate so to have the Corporation Counsel position be more in line with balance. When this all started, I've, let me refer to the position itself. Corporation Counsel, so in our Charter, that position is the chief legal officer, the chief authority in terms of legal opinion for the County. And, we have the Executive Branch, which is the Mayor's Administration and we have the Legislative Branch, which is the County *[sic]*.

And in parallel to that we go to the Federal government, we have the U.S. Attorney General, which be, which would be comparable to our Corporation Counsel. We have the Legislative Branch, which is the Senate and the House, which is comparable to us on the Council. And we have the administrative, the Executive Branch, the President's Administration and our Mayor's Administration.

So, when it comes to who is the chief legal officer, who makes the decisions of filing a lawsuit or defending a lawsuit. According to our Charter, it's very vague, it doesn't specifically state that the Corporation Counsel has that authority, but in past practice it's always been Corporation Counsel. And in other jurisdictions within the State, it's always been Corporation Counsel to make that determination whether to defend or to file a complaint.

So that being said, there has been case law out there from our Supreme Court of Hawaii, case Harris v. DeSoto, 80 Hawaii 425, 1996, if the general public would like to look that up. And that case, that case from the Supreme Court decision basically says that, you know, I, I might be putting this in layman's terms, saying that the Council's authorization within a litigation or jurisdiction comes in when the stage is at settlement. When there's money to be appropriated, then the Council has authorization or to the jurisdiction to come in to either settle the case or not settle the case.

Before that stage of settlement, the Council does not have the, what you would say, the other stages of litigation, other matters, we don't have the power to dictate to the Corporation Counsel how to handle that case. Whether to form an injunction, dismiss the case, so on, so forth. We only have the authorization and jurisdiction to come in when the case is at settlement, when monies and appropriations of the County is at stake. So until then, we haven't been able to even touch the GMO issue as an authoritative body.

The chief legal officer during the litigation stage, that's his call, that's his job and duty. I'm not so familiar, I don't have the knowledge of what goes on in that stage, in terms of the Corporation Counsel. But I can only assume, based on the cases that I've seen, that they, that the executive branch, the Mayor's Office and the Corporation Counsel may be communicating with each other during the litigation stage, but I don't know.

Because we haven't had that item before this body to ask that question. And until that happens, until the stages where we as the, as the Council are required to make a decision, we are not going to be involved in it until that, that time and stage. And that might be something that we need to look at in the Charter, whether we can amend our Charter to allow us to have that authorization to direct the litigation. I think some jurisdictions tried, I think they failed, in terms of, I think the decisions, especially in this Supreme Court case, it failed and right now that is the, the deciding case that we follow.

I think Mr. Wong has done his, his best duties as Corporation Counsel, aside from, like I said, the remarks that we had during the committee. I had my own concerns and I have, I think that I've overcome those concerns and I know that him knowing that we are concerned about him being more in balance with Council and the Administration, moving forward, he's going to make sure that, that, that the balance is there more often, or is.

So, this one is tough because never is it easy to be the attorney for so many different parties, you know. And so, at this point I'll just reserve my comments until we are in further stages for the GMO issue.

In terms of the injection wells, oh, let me make one more side comment with the GMO issue. The County did not file the case. It would have, it would have gone to the normal process had it not been for the seed companies filing a lawsuit. And once that lawsuit was filed--

(Councilmember Baisa was excused from the meeting at 2:46 p.m.)

VICE-CHAIR GUZMAN: --it's in the hands of litigation, the Corporation Counsel. So we as the, this Council had nothing to do with democracy of that being obstructed. It was a judiciary lawsuit that stopped the democracy, the democratic process. Other than that, it would have gone through it in the normal course.

And another issue that I would probably state is the initiative itself, the first of its kind in this County. So, so we weren't really sure whether all of the nuances could have been covered in our Charter because that was our founding fathers drafting of the initiative process in our Charter. So when it came to the Council, when they had enough signatures at some stage, and it came to the Council, the Charter did not require us, or it prevented us to make an amendment to it. And so there's a defect in our own Charter that had it been foreseen or, or been able to give the ability for the Council to make amendments to the initiative, to, to basically correct some of the Charter conflict--

(Councilmember Baisa returned to the meeting at 2:47 p.m.)

VICE-CHAIR GUZMAN: --and then it be moved forward to the, to the ballot, then we could have done it. But it, the Charter didn't allow us to do it so there again is not necessarily the County obstructing democracy, it was the Charter itself, which was initiated by our founding fathers that did not foresee this happening. Because this is, was the first of its kind ever to come through. So now we know, we've, we've learned our lesson that we basically have to go back to the Charter and amend it to have a second process, a second tier of review before it moves on.

When it first came up to the, when it came to the floor, and we had public testimony, I, I had reviewed the language and in, in my mind, felt that it, it was flawed language, it had flawed language. There was an executive session taken, I voted against going into executive session. I stayed out of executive session, but in my mind I thought why can't it be done in open session because if it was told to us, or the public that certain, certain provisions of the initiative was flawed, maybe the SHAKA Movement would have reconsidered or made some kind of changes themselves. I don't know. That's all hindsight.

You know, we're in the stage that we are right now, we only can move forward. And, and for me I always knew that if it did pass, it was going to go to litigation and it might be something that is positive in a way because when it's in front of a judge who has the ultimate authority to craft it, there could be settlements to redraft it that way. I don't know. It's, it's in the court's hands.

But in terms of Mr. Wong, I think that the differences that we've, we've discussed have been resolved, or at least we have a mutual understanding that things will get better. I am now the Chair of the Committee of the Whole, that will oversee litigation and I think that in order to, if we were to change him out, change to a different Corporation Counsel, we're going to be starting with ground zero with a person that needs to get up to speed with all the other litigation that, that we have pending in the County. So, I think I've said enough so far. I probably have a couple other questions that I, I could ask Mr. Wong, but I'll reserve at this point. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, I'll just add my comments. As you all know, I've had my differences with Mr. Wong over certain issues. Some of them similar to, to the concerns that have been expressed by Ms. Cochran and by Mr. Guzman. But again, it would be much more comfortable for us to explain our positions if we could divulge things that were discussed in executive session, but that's not an option.

When I look at Mr. Wong's work, I believe that in, in the overall view of this caseload, and the direction that he has provided us in executive session, the direction that he has provided for the Administration and for this Council, that overall, his, his production, his, his focus has been on the right track.

I don't think we'll ever agree on everything. I don't agree on everything with my own wife. But, it's with the understanding that he's done a very solid credible job in many, many, many cases that have been presented to us. And it is on that basis that I supported him in Committee and I will, I do so once again.

I do want to say that I'm very thankful to hear from the people that came out today because it's a reminder of the passion, it's a reminder of in some cases, what I believe is some misinformation. I believe it's, it's good for us to hear the concerns and because it's an educational process. Working in this room is an ongoing educational process. I wish we were able to educate you on some of the issues that we deal with behind closed doors. But, again, as I said that's not, not quite possible.

Mr. Wong, I'm willing to give you a brief statement in closing if you so choose, if not, I'll ask if there's any further discussion.

Mr. Wong.

CORPORATION COUNSEL: Thank you, Chair. I don't believe I have anything further.

CHAIR WHITE: Thank you. Any further discussion, Members.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, thank you, Chair.

And I just wanted to highlight upon what Mr. Guzman had mentioned because I think that was definitely a huge sticking point during our Committee discussions in regards to the reappointment of Mr. Wong. And you know, it still doesn't sit a hundred percent well with me.

But Mr. Guzman mentioned just the way the Charter has been set up. And he and I did try and push through that adjustment to the Charter, in regards to making the, this position of Corporation Counsel a lot more accountable to all. Because I still really feel that the alliance more so, or allegiance will be towards Administration. Administration is the only body that can actually initiate the firing. We all take part in the hiring, but then appointment, then we reconfirm, but then we, we cannot initiate a dismissal.

And for me, that in itself says why things go a certain way and thank you Mr. Guzman for, for pointing out that we end up at the end of all the sort of, the, the, you know, litigation matters. The settlements come through we have to figure out is that worth the money, do we want to spend it or not. But in the beginning we're not the ones who pick and choose where anything is going to go or if it goes.

So, you know, and I, and I still want to see a lot more risk management and preventative measures. We talk about all these other cases that come through us and, you know, on a, I see things that are potential, again, litigation coming to this body and, and its bothersome because again it's a settlement and it's a dollar amount and it's taxpayer's money. So, you know, again, I'll just, I just wanted to chime in and, and expound upon Mr. Guzman's comments because I feel the same. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Guzman, you had another comment.

VICE-CHAIR GUZMAN: Yeah, I, I know this is probably outside the matter, but once we have an opportunity to have the, the authority to chime in with the GMO case, I probably would be asking one of the questions that the, what, that was the general theme of a lot of the testifiers which was the position taken by Corporation Counsel to

not defend the initiative. But that's something that we would have to discuss probably in executive session.

But to let the public know, there is case law out there that allows the Attorney General of the States and the, even the Federal Attorney General to have an exception of the duty to defend and enforce acts of Congress and the Constitution. And there is case law out there and I believe there's three prongs and if the Attorney General can satisfy the prongs, then they would be exempt for having that duty to defend.

I don't know whether those prongs have been met because we haven't had that opportunity to have that case item before us. But I'm fairly certain and hopeful that the analysis is, the analysis was completed by Corporation Counsel and he was justified in, in his position not to defend the initiative. So I just make that statement. Thank you.

CHAIR WHITE: Thank you. And, to Ms. Cochran's comment about the risk management. I think it's to Mr. Wong's credit that he has taken the Risk Management Department into his office, specifically for the reason you state, or the concern that you stated so that he can be aware of challenges long before they turn into claims. And I think, you know, that's one of the areas in which I give him a lot of credit because he's moved in a direction that is, is going to be very helpful to proactively keeping departments from doing things that are going to get them into hot water.

So, with that, Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

It's just that what Ms. Cochran brought up, last year I forwarded it to this Council to go to committee of legislation addressing that the Council could initiate release or firing of Corporation Counsel. And that is in, I don't know if it's in Committee yet, but I did forward that, that to this Council last year.

CHAIR WHITE: Okay, thank you. Any further discussion, Members. Seeing none, all those in favor of the motion before us, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: I read eight, seven "ayes", one "no", and one "excused". Measure passes.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 15-14.

COMMITTEE REPORT

NO. 15-6 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-15, entitled "APPROVING THE APPOINTMENT OF DAVID TAYLOR AS THE DIRECTOR OF THE DEPARTMENT OF WATER SUPPLY", be ADOPTED;
2. That the correspondence dated January 16, 2015, from the Department of the Corporation Counsel, be FILED; and
3. That County Communication 15-28, from the Mayor, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 15-6.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch, seconded by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Your Policy and Intergovernmental Affairs Committee met on January 22, 2015, to discuss the appointment of David Taylor as the Director of Water Supply.

Your Committee notes Mr. Taylor has been serving as the Director since 2011.

Your Committee acknowledged that Mr. Taylor's straightforward and fact-based approach to addressing the County, County's water needs.

Your Committee was satisfied it had done it's due diligence in considering Mr. Taylor's suitability for the position. Accordingly, we, your Committee voted 8-0 to recommend the adoption of the proposed resolution. I respectfully request the Council's consideration of this motion.

CHAIR WHITE: Members, further discussion on the measure. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 15-15.

NO. 15-7 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-16, entitled "AMENDING THE RULES OF THE COUNCIL", be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-7.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch, seconded by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Your Policy and Intergovernmental Affairs Committee met on January 22, 2015, to discuss the amendments to the Rules of the Council adopted as Resolution 15-4.

Your Committee revised Rules 5 and 23 to be consistent with the Maui County Code.

Your Committee revised Rule 6 to establish the Director of Council Services shall "recommend disposition" of Council agenda items.

Your Committee revised Rule 7 to exempt Council scheduling changes from the requirement of referral to a committee.

Your Committee voted 9-0 to recommend adoption of the revised proposed resolution. I respectfully request the Council's consideration of the motion. Thank you.

CHAIR WHITE: Members, further discussion. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 15-16.

NO. 15-8 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that the correspondence dated February 11, 2014, from the Committee Chair, transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO ORAL TESTIMONY", be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 15-8.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch, seconded by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Your Policy and Intergovernmental Affairs Committee met on January 22, 2015, to discuss amendments to the Rules of the Council.

The introducer of the proposed resolution relating to the testimony was satisfied with the current testimony Rule and requested the correspondence be filed.

I respectfully request the Council's consideration of this motion.

CHAIR WHITE: Further discussion on the motion to file. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-31 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 12, 2015)

Transmitting 33 contracts/grants for November 2014.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I'm, unless there is a request by a Member to have a specific contract or grant referred to Committee.

I MOVE THAT COUNTY COMMUNICATION 15-31 BE FILED.

CHAIR WHITE: Members, are there any requests for holding any particular contract on the list.

VICE-CHAIR GUZMAN:

SECOND.

CHAIR WHITE: Pardon.

COUNCILMEMBER HOKAMA: Mr. Guzman, seconded the motion.

CHAIR WHITE: I should have allowed the second, first.

VICE-CHAIR GUZMAN: Thank you.

CHAIR WHITE: It's been moved by Mr. Hokama and seconded by Mr. Guzman to file County Communication 15-31.

Any discussion, Members. Seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

NO. 15-32 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 15, 2015)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2014.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would have the body refer this to Committee, please.

CHAIR WHITE: Without objections, this item will be referred to a Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

County Communication No. 15-32 was referred to the Budget and Finance Committee.

NO. 15-33 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 26, 2015)

Transmitting two reports on settlement of claims as of September 30, 2014.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE TO FILE COUNTY COMMUNICATION 15-33.

CHAIR WHITE: Is there a second.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Thank you. It's getting late in the day.

It's been moved by Mr. Hokama and seconded by Mr. Couch to file County Communication 15-33.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I reviewed the reports, Chairman and I don't feel there's anything that is worthy for further Committee review.

CHAIR WHITE: Thank you. Any further discussion, Members. Seeing none, all those in favor signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

NO. 15-34 - KEITH A. REGAN, ACTING MAYOR,
(dated January 21, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Board of Ethics due to the resignation of Lilah Inaba on January 21, 2015.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 15-34.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: It's been moved by Mr. Couch, seconded by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, just to comment that we, the, we wish to thank Ms. Inaba for her volunteer service to the County. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

NO. 15-35 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated January 9, 2015)

Transmitting the Department of Water Supply water use report for October 2014, and
copies of water use reports received from Hawaiian Commercial and Sugar Company
and Wailuku Water Company for the same period.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE TO FILE COMMUNICATION 15-35.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Been moved by Ms. Baisa, seconded by Mr. Carroll to file County
Communication 15-35.

Ms. Baisa.

COUNCILMEMBER BAISA: No further comment. It's just a routine report that we regularly
receive and file.

CHAIR WHITE: Thank you. Any further discussion, Members. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

NO. 15-36 - MIKE WHITE, COUNCIL CHAIR,
(dated January 28, 2015)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCIL VICE-CHAIR DON S. GUZMAN AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE REFERRAL AND REPORT AS PROVIDED IN RULE 7(E) OF THE RULES OF THE COUNCIL FOR THE RESOLUTION ATTACHED TO COUNTY COMMUNICATION 15-36.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: It's been moved by Ms. Crivello and seconded by Mr. Couch.

Any, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. The proposed resolution appoints the Council representative to the Kula Agricultural Park Committee and I feel that this matter can be expedited and does not need further Committee discussion.

CHAIR WHITE: Thank you. Members, any further discussion. Seeing, seeing none all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, the waiver passes, eight "ayes", zero "noes".

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION ENTITLED
"APPROVING THE APPOINTMENT OF COUNCIL
VICE-CHAIR DON S. GUZMAN AS A MEMBER OF THE KULA
AGRICULTURAL PARK COMMITTEE" BE ADOPTED AND
THAT COUNTY COMMUNICATION 15-36 BE FILED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Thank you. It's been moved by Ms. Crivello, seconded by Mr. Couch.

Mr. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I believe that Council Vice-Chair Guzman is well equipped to serve on the Kula Agricultural Committee as he currently serves as our Chair of the Economic

Development, Energy, Agriculture, and Recreation Committee and has been doing a great job and did so in the last term. He also has done extensive work with the Agricultural Working Group and I believe he can share his experiences to help better oversee the Kula Agriculture Park. I ask for your support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello. Further discussion, Members. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: The measure passes, eight "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 15-17.

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted.

NO. 15-37 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 28, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (HAWAII STATE ENERGY OFFICE)".

The recommended action is that County Communication No. 15-37 be referred to the Budget and Finance Committee.

NO. 15-38 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 21, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION/INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA) HIGHWAY AND OTHER TRANSPORTATION GRANTS)".

The recommended action is that County Communication No. 15-38 be referred to the Budget and Finance Committee.

NO. 15-39 - RIKI HOKAMA, COUNCILMEMBER,
(dated January 20, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX".

The recommended action is that County Communication No. 15-39 be referred to the Budget and Finance Committee.

NO. 15-40 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 27, 2015)

Transmitting the County of Maui's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2014, submitted by N&K CPA's, Inc., the County's independent auditor.

The recommended action is that County Communication No. 15-40 be referred to the Budget and Finance Committee.

NO. 15-41 - MIKE WHITE, COUNCIL CHAIR,
(dated January 27, 2015)

Relating to the Fiscal Year 2016 Budget.

The recommended action is that County Communication No. 15-41 be referred to the Budget and Finance Committee.

NO. 15-42 - ANTHONY T. ARAKAKI, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated January 27, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.

The recommended action is that County Communication No. 15-42 be referred to the Budget and Finance Committee.

(COUNTY COMMUNICATION NO. 15-42 WAS FILED LATER IN THIS MEETING. See pages 107 through 111 for discussion.)

NO. 15-43 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 29, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE FISCAL YEAR 2015 BUDGET".

The recommended action is that County Communication No. 15-43 be referred to the Budget and Finance Committee.

NO. 15-44 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 26, 2015)

Transmitting a report of short term investments for the quarter ended December 31, 2014.

The recommended action is that County Communication No. 15-44 be referred to the Budget and Finance Committee.

NO. 15-45 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 14, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE DISPOSITION OF GOVERNMENT REMNANT PARCEL HUI ROAD "G" SITUATED AT NAPILI, MAUI, HAWAII, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-45 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-46 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated January 14, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF AN EASEMENT TO WARMENHOVEN SPIRIT TRUST".

The recommended action is that County Communication No. 15-46 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-47 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated January 15, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT KAUPILI ROAD, ISLAND OF LANAI, COUNTY OF MAUI, STATE OF HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-47 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-48 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated January 15, 2015)

Transmitting a copy of the "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, USEPA/DOH CONSENT DECREE, QUARTERLY PROGRESS REPORT #62, OCTOBER 2014 THROUGH DECEMBER 2014".

The recommended action is that County Communication No. 15-48 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-49 - ELLE COCHRAN, COUNCILMEMBER,
(dated January 16, 2015)

Transmitting a proposed resolution entitled "URGING THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATER CRAFT OPERATIONS".

The recommended action is that County Communication No. 15-49 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-50 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated January 14, 2015)

Transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT".

The recommended action is that County Communication No. 15-50 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk. Members, are there any objections to the referrals as read by the Clerk.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 15-42

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama, followed by Mr. Couch.

COUNCILMEMBER HOKAMA: Chairman.

I WOULD AT THIS TIME MAKE A MOTION TO FILE COUNTY
COMMUNICATION 15-42.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: There's a motion to file County Communication 15-42, seconded by Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. The purpose of my motion regarding this communication today is that for, for couple of main reasons, Mr. Chairman and Members of the Council. If you recall, last year in 2014, the Council did request to the CDBG Office for an earlier submission regarding their proposal and considerations to allow this body, the Council, to have it's appropriate review in a timely manner and to also allow whether or not we would like to, for reasons that the Council felt appropriate, to also disapprove the proposal. Which would sufficient time to have the agency also to go out and accept new applications and submit a new proposal to the Council, as well as to meet the HUD application deadlines.

Unfortunately, they chose not to work with the Council in its scheduling. And it's interesting to note how we have changed through the years from, during my tenure as Budget Chair, where most of the projects for CDBG was brick and mortar projects. I know it was difficult for monitoring and reporting purposes, or what eventually became a major concern for HUD, which was the spend down of monies. But it's interesting, while this County, and again we have to take some of the responsibilities as the Councilors since we made those approvals. We've gone really toward the opposite end of where we think money should go regarding CDBG HUD monies.

And I'll give you an example, last year, in 2013, we put 37 percent of the CDBG money to County equipment. Last year we put 45 percent of the CDBG monies to County equipment. At the same time, our sister counties, for various reasons, like Honolulu, put zero dollars for equipment in 2013 and zero dollars in 2014. Kauai chose another path, zero in 2013 and 16 percent this year. Big Island went from 29 percent in '13 to 5 percent for this year.

I believe that the Council consistently has made approvals of projects going to community based projects, for brick and mortar projects from our non-profit communities, not dominated by County department equipment requests.

I also find it interesting, Members, the lack of what I call a good application pool, being that my information states we only received four applications for consideration of funding. Three approved and one disapproved for lack of meeting it's criteria.

The HUD also, agency also allows up to 20 percent of CDBG funds for its administrative costs instead of funding projects. Well its interesting because my understanding also is that they made adjustments that we can go down to 7 percent for administrative costs.

A couple of things I would ask the Members to consider. I know there are two pieces of equipment that for some of the Members are critical equipment. I will give you assurances that in the budget deliberations coming up shortly, as your Budget Chair, I will give these items full consideration. And part of the things that I would ask you why to support that option Members, is because for certain things that associate to the request, I don't want it assumed that we already granting without full consent, manpower requirements to staff the equipment.

Council last year made its determination during the budget deliberations on how we wanted to look at certain staffing and that is why certain equipment was not authorized accordingly. This I find interesting that now certain agencies is coming around through the CDBG, and I don't know if their assumption is we're going then grant the EP in the normal budget process. I think we should have that discussion at one time and be fair to not only the department, but also the district where this consideration is based for. So I just wanted to assure the Members that it will have its day in the Budget Committee.

I think some of the things that I've learned in reviewing this on our behalf, Members, is also how other counties have approved it so it comes more of a cooperative effort. The City and County of Honolulu has three of its Members on the selection committee with the Mayor and, with the Mayor's three appointments, so that what is presented and moved forward for the action plan review by the community and as well as the final Council approval, it is something that has been on a collaborative effort.

And I would send a message to our CDBG Office that I would be happy if they would come up with a revision where the Council may participate more like it had in the past. To at least work collaboratively with the Administration in putting forth community based project requests.

Those are my reasons for filing this. I have asked Mr. Wong prior to the meeting, there is still sufficient time, even with this filing, for the agency to go out and continue to have its process done to come back to the Council with another proposed resolution. And hopefully it will be something that I believe one thing that needs to be changed is that you go to the community for the action plan comments before you ask for final Council approval. Coming to us for approval and then going to the community asking them what they think is definitely okole first, okay, and it needs to stop. And so that is why I am putting this forward today to the body and I hope the body can be supportive of this motion. Thank you.

CHAIR WHITE: Thank you. Members, other discussion?

I'll just add to that. Being the Budget Chair last year, I was dismayed at the misinformation that was provided to us by the CDBG Administrator as to the timing, as to the process, and as to the requirements. And I find that he was hiding behind certain misstatements.

So it's, as Mr. Hokama stated, we asked for it to be submitted on an earlier timeframe so that we could, we could take a look at it and make our comments. You'll recall that last year, the Lanai Community Health Center was disqualified because they were missing one page and that was a document that CDBG had received just two months earlier in another application. So, it, it was with great frustration that we went through this process last year.

One of the reasons that I agree with Mr. Hokama with the filing at this time is that if we were to put it through to committee, come to the same conclusion that it should be, it should be voted down, it would take us another four to five weeks to get through that process, and that is time that is better spent with the CDBG Administrator taking another look at what, you know, what his process was and, and coming to some additional options.

Any further discussion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, if we could just receive guidance from the Members regarding any objections to the rest of the referrals.

CHAIR WHITE: Oh I'm sorry. Any other objections, Members.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with general communications for referral.

GENERAL COMMUNICATIONS

NO. 15-1 - MARK ALEXANDER ROY, MUNEKIYO & HIRAGA, INC.,
(dated January 6, 2015)

Submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 5, 2015" in accordance with Condition 22 of Ordinance No. 3613.

The recommended action is that General Communication No. 15-1 be referred to the Planning Committee.

CHAIR WHITE: Okay, any objections, Members.

MEMBERS VOICED NO OBJECTION.

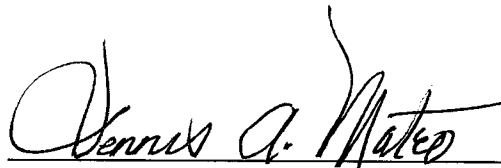
CHAIR WHITE: Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Well, I want to thank you all for your patience with the Chair this morning and this afternoon. And I appreciate the staff, went through a longer process than normal. And I want to thank Mr. Kushi for joining us today. And with that, we will adjourn this meeting and allow Mr. Guzman to proceed with the Committee of the Whole meeting. We are adjourned.

ADJOURNMENT

The regular meeting of February 6, 2015 was adjourned by the Chair at 3:22 p.m.

A handwritten signature in black ink, reading "Dennis A. Mateo". The signature is written in a cursive style with a large, looping initial "D".

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII